

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57320 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- MAHNAR District- Vaishali

UMESH SAH S/O- LATE RAMBRIKSH SAH R/O- VILLAGE-
MANIKPATTI, P.S.- MAHNAR, DIST- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritvik Thakur, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard Mr. Ritvik Thakur, learned Counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with Mahnar P.S. Case No. 110 of 2023 registered for the offences under sections 147, 148, 149, 341, 323, 325, 307, 302, 504 and 506 of the Indian Penal Code lodged on 21.04.2023 by the informant, Anil Kumar Gupta.

As per the prosecution story, the allegation is that when the family members of the informant were sitting, the accused persons came armed variously and started assaulting them. Specific allegation is against Sonu Kumar Sah and Sumangal Sah that they assaulted the brother of the informant, Shyamnandan Sah on his head with rod and bamboo causing serious injuries while other accused persons assaulted his wife who also had injury. Allegation is that the brother subsequently succumbed to the injuries. Thus, the FIR.

It is the case of the petitioner from the allegation, it is



clear that specific goal has been assigned to Sonu Kumar Sah and Sumangal Sah that they assaulted the deceased, Shyamnandan Sah. So far as this petitioner is concerned, omnibus allegation is there of having assaulted the family members including the wife of the informant.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that with the common intention, they went and killed the brother of the informant.

Considering the submissions put forward by the parties, specific allegation is against Sonu Kumar Sah and Sumangal Sah of causing the death of the brother, Shyamnandan Sah, the petitioner is in custody since 12.05.2023 (as stated in paragraph 17 of the bail application), do not have criminal antecedent and there is case and counter case, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 110 of 2023, subject to the following conditions:-

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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