

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66658 of 2023

Arising Out of PS. Case No.-614 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Sonalal Sah S/O- Baidhnath Sah R/O- Village- Bhawanipur, P.S.- Adapur
(NAKARDEI), Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-12-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks regular bail in a case
registered for the offence under Section 341, 323, 324, 325, 307,
379, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and
other co-accused have given stab wounds upon the victim who
is the son of the informant and who has sustained six stab
injuries which are grievous and out of six injuries, two injuries
are in the chest.

4. Learned counsel for the petitioner submits that
the petitioner is in custody since 18.07.2023 and he further
submitted that similarly situated co-accused namely *Anup Sah*



@ *Bhola Sah* has been granted bail by Additional District and Sessions Judge-16, Motihari in B.P. No. 1438 of 2023.

5. I have gone through the bail order dated 25.07.2023 passed Additional District and Sessions Judge-16, Motihari in B.P. No. 1438 of 2023 granting bail to *Anup Sah @ Bhola Sah*. Paragraph 5 and 6 of the order dated 25.07.2023 reads as follows:-

“5. Heard and perused the record. From the perusal of the case record, it transpires that there is allegation against the petitioner that he along with co-accused have assaulted the informant, her son due to which they got injured. There is case and counter case between the parties. Filing date of this petition is 27.06.2023 and the concerned SHO has been directed to produce injury report. On 28.06.2023, 30.06.2023, 05.07.2023, 14.07.2023, 21.07.2023 and 22.07.2023 adjourned for injury report but till date injury has not been produced. The petitioner has no criminal antecedent. The petitioner is languishing in custody since 29.05.2023.

6. Considering the above discussed facts and circumstances, the prayer of the above named petitioner for bail is hereby allowed. The above named accused petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- only (Ten Thousands only) with two sureties (one of the surety shall be close relative) of the like amount each subject to the satisfaction of the concerned court in connection with Turkaulia (Banjariya) P.S. Case No. 614 of 2023.”

6. The Addl. Sessions Judge-XVI(I/C), Motihari had granted bail to the petitioner *Anup Sah @ Bhola Sah* on the ground that injury report called for was not received in the court on six dates.

7. The allegations against the petitioner and other



co-accused are serious and they did their best to kill the victim but he survived. Offence under Section 307 is punishable with life imprisonment and cases of such nature in which accused persons tried to kill the deceased by giving six stab wounds and the petitioner does not deserve bail, considering the aforesaid facts, I am not inclined to grant bail to the petitioner. This application is dismissed. The Injury report produced by the learned counsel for the petitioner is kept on record.

8. In view of the above, I am also of the view that the bail granted to the co-accused *Anup Sah @ Bhola Sah* has been granted without considering the injury report.

9. In these circumstance, the office is directed to register a *suo-moto* case for bail cancellation and proceed accordingly.

(Sandeep Kumar, J)

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