

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66382 of 2022

Arising Out of PS. Case No.-120 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

Jagdish Sah, S/O Late Satyanarayan Sah R/O Village- Rampur Dudhpur,
Ward No-14, P.S- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Shanti Bhushan Singh, learned counsel for
the petitioner and Mr. Rajendra Singh, learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Samastipur Muffasil P.S. Case No. 120 of 2021,
registered for the offences punishable under Sections
341,323,302,354,506/34 of the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that on 08.03.2021 while the
informant along with her mother-in-law were coming from their



shop in the meantime all accused persons, including the petitioner, surrounded them and on the exhortation made by this petitioner, co-accused Suraj Kumar assaulted the mother-in-law of the informant over her head by means of iron rod causing grievous injuries and later on she died during course of treatment.

Learned counsel appearing on behalf of the petitioner, by drawing the attention of this Court to the FIR, submits that from the FIR it is evident that the occurrence took place on 08.03.2021, however, the FIR has been instituted on 11.03.2021 and surprisingly it has been sent to the concerned court on 17.03.2021, which creates suspicion over the entire prosecution case. It is further submitted that falsity of the case is also evident from the fact that the police after investigation found no case true as alleged by the informant rather charge-sheet has been submitted under Sections 279/304A of the Indian Penal Code as the cause of death has been found by rash and negligent act. He next submits that other co-accused person namely, Ramesh Sah has already been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 38604 of 2021 *vide* order dated 20.04.2022 and moreover, save and except the allegation that on the exhortation



made by the petitioner, co-accused person assaulted the deceased, there is no other material.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner has actively participated in the crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the police has submitted charge-sheet under Sections 279/304A of the Indian Penal Code, apart from the delay in lodging of the FIR as well as sending it to the concerned court, coupled with the fair antecedent of the petitioner and his period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IInd, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 120 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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