

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76888 of 2023**

Arising Out of PS. Case No.-172 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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ISHWAR SAH SON OF NAND LAL SAH R/O VILLAGE- JALALPUR,
TATWA TOLA, P.S.- G.B. NAGAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 324, 307,
302, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the co-accused Binod Sah
came at the shop of informant and asked for gutka and cigarette
but the informant denied. Then the co-accused started abusing
him and petitioner along with FIR named accused persons
abetting and instigating Binod Sah. When the informant's uncle



opposed him, he pulled out knife and attacked at the chest of Sipahi Yadav, due to which he sustained injuries thereafter he was taken to hospital where doctor declared Sipahi Yadav as died.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. There is general and omnibus allegation against the petitioner rather the specific allegation against co-accused Binod Sah due to which the informant's uncle died. There is no specific overt act against the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. The other co-accused has already been granted bail by this Bench vide order dated 03.02.2023 passed in Cr. Misc. No. 60013 of 2022. He is languishing in judicial custody since 02.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned ^t Additional Chief Judicial Magistrate-III, Siwan in connection with G.B. Nagar P.S. Case No. 172 of 2022.

(Sunil Kumar Panwar, J)

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