

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70769 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- MAHISHI District- Saharsa

1. Ashok Sada S/O Late Biran Sada R/O Village- Samari Bharna, Ward No-07, P.S- Mahishi, District- Saharsa
2. Bhushan Sada S/O Late Biran Sada R/O Village- Samari Bharna, Ward No-07, P.S- Mahishi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Mahishi P.S. Case No.180 of 2021 registered for the offence under Sections 341, 323, 302, 120B, 504, 506 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is in custody since 22.10.2021.

The allegation against the petitioners is to murder the son of the informant alongwith other co-accused persons/family members by making an assault with *lathi*, rod etc., due to previous enmities.



Learned counsel appearing on behalf of the petitioners submitted that the maximum allegation what appears from the face of F.I.R. against this petitioner is of order giver, where allegation as regard to collective physical assault causing death of the son of informant is available against other named co-accused persons. It is submitted that petitioners are father and head of the family of other named co-accused persons who alleged to be collectively assaulted the son of informant and for said reason they have been implicated. It is also pointed out that co-accused, who alleged to be assault collectively the son of informant have already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No.21492 of 2022 vide order dated 16.08.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as maximum allegation against these petitioners is of order giver without having any actual participation in the



collective assault as alleged through F.I.R. coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Mahishi P.S. Case No.180 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII, Saharsa/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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