

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73878 of 2022

Arising Out of PS. Case No.-381 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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GOLU SAH @ AVINASH SAH Son of Shankar Sah @ Shiv Prasad Sah
Resident of Mohalla- Mundichak, Mini Market, P.S- Tilkamanjhi, Dist-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Kotwali (Barari) P.S. Case No. 381 of 2021 instituted
under Sections 341, 323, 307 , 120(B). 504, 506 and 34 of the
I.P.C. lodged on 12.06.2021 by the informant Pappu Sah.

As per the FIR, on 11-06-2021 at 08:30 hours, the
accused persons Kapil Yadav, Anil Yadav, Mithun Ram, Golu
Sah (petitioner) having armed with weapon came at the house of
the informant with intention to grab the possession of the land.
They started hurling abuses by entering the disputed land. Again
in the evening at about 08:00 PM, when the informant was
sitting with his brother and nephews, some bike riders including



petitioner came and started committing indiscriminate firing in which the nephew of informant Honey, Golu and Rikku became injured. In the meantime, accused Ramjan Ali @ Pintu came and abused him. Then with the help of the family members and neighbours as well as police force, informant came to Mayaganj Hospital, Bhagalpur where his three nephews are getting treatment.

It has been contended by the learned Senior Counsel that omnibus allegation is there against the petitioner herein and his name is being dragged every now and then which can be reflected from para-3 that almost a dozen cases have been lodged.

Learned APP opposes the prayer stating that a bare perusal of para-3 shows that the petitioner is indulged in criminal act one after another.

Be that as it may, so far as the present case is there, omnibus allegation is there against the petitioner and as per para-9, one Kailash Yadav, similar situated person has been extended the privilege of bail vide Cr. Misc. No.69477/2021 by a co-ordinate Bench of this Court. As per para-11, he is in custody since 12.08.2022, this Court is inclined to grant him relief. However, since he has number of criminal cases under his



belt, some strict conditions are necessary.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Kotwali (Barari) P.S. Case No. 381 of 2021 to the satisfaction of learned Additional Sessions Judge, I, Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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/her 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 the 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.

(Rajiv Roy, J)

Prakash Narayan /-

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