

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33621 of 2024

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

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Sonalal Sah SON OF Late Baidhnath Sah VILLAGE-Bhawanipur, P.S.-
ADAPUR(NAKARDEI), DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-06-2024 This is the second attempt of the petitioner for grant

of regular bail as earlier the bail application of the petitioner

was rejected vide order dated 13.12.2023 passed in Cr. Misc.

No. 66658 of 2023.

2. The following order was passed on 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."

3. It has been submitted by the learned counsel for the petitioner that he has renewed his prayer for bail on the ground that one similarly situtated co-accused namely Naresh Sah has been granted bail.

4. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner who is one of the assailant of the victim and has given stab wound in the chest of the victim.

5. Accordingly, this application is dismissed.

6. The trial Court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Sandeep Kumar, J)

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