

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47417 of 2024

Arising Out of PS. Case No.-274 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Jai Lal Sah, Son of Late Rajendra Sah Resident of Vill- Basantpur Chainpur,
P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 504, 506, 307/34 and 302 of the Indian Penal
Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that on 04.06.2021, when he was at home,
when all the accused persons including the petitioner came
variously armed and started assaulting him and also assaulted
his father on head causing injury, thereafter his father was taken
to Sahebganj Hopsital in a critical condition. It is next alleged
that Madan Sah, who was holding a sword, Nandu Sah was



carrying a knife and accused Shiv Lal Sah was having arm.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation of assault is general and omnibus in nature. It is also submitted that the date of occurrence is 04.06.2021 and the father of the informant died on 29.06.2021, i.e. after more than 25 days of the occurrence, as such, it cannot be alleged that the assault was approximate for cause of death. It is also submitted that no specific allegation is alleged against the petitioner. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, West, Muzaffarpur in connection with Sahebganj P. S. Case No.274 of 2021, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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