

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73601 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- NAANPUR District- Sitamarhi

Shivjee Sah S/O Laxmi Sah R/O Village - Raipur, P.S. - Nanpur, Dist.-
Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Ashhar Mustafa, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 17-02-2024 Heard learned counsel for the petitioner, learned
counsel for the Informant, learned APP for the State and
perused the case diary.

2. The petitioner is in custody in connection with
Nanpur P.S. Case No.248 of 2023 registered for an offence
punishable under Sections 302/34 of the Indian Penal Code.

3. As per allegation in the FIR, the petitioner and
other co-accused surrounded the victim and brutally assaulted
him by means of lathi, causing injury to him and thereafter he
succumbed to the injury.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case and there is
general and omnibus allegation against this petitioner and



petitioner is in custody since 09.08.2023.

5. However, learned APP for the State as well as learned counsel for the Informant have opposed the prayer for regular bail of the petitioner.

6. On perusal of the first information report, case diary and the postmortem report, it appears that the FIR registered against seven persons including the petitioner and on the basis of written report, it appears that the FIR lodged after five days of the alleged occurrence. From perusal of the case diary, no eye witness is mentioned in the case diary and only one witness in para-9, namely, Gita Devi, she only stated that when she was closing her shop, nuisance was created between the petitioner and the informant Shivaji Shah, so in my view, I am inclined to grant bail to the petitioner. Accordingly, let the petitioner above named be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Pupri, Sitamarhi/competent jurisdiction in connection with Nanpur P.S. Case No. 248 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to the law within a period of one month from the date of receipt of a copy of this



order. However, it is made clear that *if the charge-sheet has not been submitted*, then the above named petitioner shall be released on bail on furnishing bail bonds with further condition that the petitioner have to present physically present on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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