

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75258 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- BEERPUR District- Begusarai

Kailash Sah S/o- Aannandi Sah Village- Birpur W.No-12, Ps- Birpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 78999 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- BEERPUR District- Begusarai

Rahul Kumar son of Ramashish Sah Village- Beerpur West (Birpur Paschim) ward no 12, P.S- Beerpur, District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75258 of 2024)
For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
Mrs. Divya Bharti, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla. APP
(In CRIMINAL MISCELLANEOUS No. 78999 of 2024)
For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 406-12-2024
1. Heard learned counsel for the parties.

2. The petitioners have renewed their prayer for grant of regular bail in connection with Beerpur (Birpur) P.S Case no. 170 of 2023 registered under sections 307, 379, 147, 149, 341, 323, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states



that the fifteen named accused persons including the petitioners herein directed that the informant should not place grill in his newly constructed house. On protest being raised by the informant it is stated that the accused persons came variously armed and started to assault the informant and others. It is stated that Rahul Kumar and Kailash Sah assaulted the son of the informant with an iron rod as a result of which he fell down unconscious. Subsequently he died in course of treatment 13 days later.

4. Learned counsel for the petitioner Kailash Sah submits that the earlier application for bail of this petitioner was rejected vide order dated 18.04.2024 passed in Cr. Misc. no.6617 of 2024. In spite of the petitioner being in custody since 28.11.2023 and cooperating in the trial, only one witness has been examined and eight chargesheet witnesses still remain to be examined. The petitioner undertakes to cooperate in the trial.

5. Learned counsel for the petitioner Rahul Kumar submits that the earlier application for bail of this petitioner was rejected vide order dated 21.03.2024 passed in Cr. Misc. no.961 of 2024. The petitioner has remained in custody since 28.11.2023 and there is no chance of the trial concluding in the near future. It is a case of single assault.

6. The applications for bail is opposed by learned



A.P.P for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 14.11.2024, charge was framed in the case on 4.3.2024 and out of the eleven chargesheet witnesses only one witness has been examined.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R, both the petitioners having remained in custody for more than a year since 28.11.2023 and only one out of the eleven chargesheet witnesses having been examined in the learned trial Court, both the petitioners are directed to be enlarged on bail in connection with Beerpur (Birpur) P.S Case no. 170 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in Cr. Misc. no. 75258 of 2024 and learned Additional District and Sessions Judge-XI, Begusarai in Cr. Misc. no. 78999 of 2024 respectively.

(Partha Sarthy, J)

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