

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14946 of 2024

Arising Out of PS. Case No.-355 Year-2020 Thana- MURLIGANJ District- Madhepura

Ganesh Sah Son of Late Shivjee Sah R/o Village- Ghoshala Chowk, Ward No. 02, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 85573 of 2023

Arising Out of PS. Case No.-355 Year-2020 Thana- MURLIGANJ District- Madhepura

Binod Sah @ Binod Kumar Sah @ Binod Kumar @ Vinod Sah @ Vinod Kumar Son Of Late Shivjee Sah Village- Gaushala Chowk (Ganesh Chowk) W.No-21, P.S.- Murliganj Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14946 of 2024)

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the State : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 85573 of 2023)

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 08-07-2024 As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being heard together and decided by a common order.

2. Heard learned counsels for the petitioners and learned APPs for the State.

3. Petitioners seek regular bail in connection with Murliganj P.S. Case No. 355 of 2020, dated 11.11.2020 for the



offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

4. Mr. Dinesh Prasad Verma, learned counsel appearing for the petitioner Ganesh Sah (in Cr. Misc. No. 14946 of 2024) submits that a family partition dispute is said to be the genesis of the occurrence, altogether ten persons including the petitioner have been named in the FIR, though, against this petitioner and co-accused Binod Sah @ Binod Kumar Sah there is specific allegation in the FIR but during investigation, the specific allegation of having assaulted at the head of the deceased by means of iron rod, has been levelled against the co-accused Binod Sah @ Binod Kumar and not against this petitioner. It is further submitted that as per inquest report, no visible injury was found on seeing the body of the deceased by the concerned police official who prepared inquest report and as per the postmortem report, only one injury being lacerated wound in the size of one and a half inch was found at the left parietal region and the same is specifically attributed against the co-accused Binod Sah @ Binod Kumar Sah as per material witnesses examined during investigation. It is further submitted that the petitioner has got no criminal antecedent.

5. Mr. Vijay Kumar, learned counsel appearing for



the petitioner Binod Sah @ Binod Kumar Sah (in Cr. Misc. No. 85573 of 2023) submits that the petitioner earlier approached this Court by way of filing Cr. Misc. No. 59996 of 2022 for the relief of regular bail which was rejected and thereafter, the petitioner has again come for the relief of bail mainly on the ground of his long incarceration period which has been more than two years as the petitioner has been languishing in jail since 08.03.2022 and as per postmortem report, on the body of the deceased, only one injury was found and as per the FIR, there is no allegation of having assaulted the deceased repeatedly by this petitioner and moreover, there is no specific allegation against him in the FIR.

6. Learned APPs appearing for the State have opposed the prayer for bail of the petitioners.

7. Having considered the above submissions and mainly taking into account the custody period of the petitioner Binod Shah @ Binod Kumar Sah and also the nature of allegation appearing against the petitioner Ganesh Sah and their fair and clean antecedent, this Court is inclined to release both the petitioners on bail. Accordingly, let the petitioners named-above be enlarged on bail **after the framing of charge** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of the concerned Court in connection with Murliganj P.S. Case No. 355 of 2020 on the following conditions:-

(i) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(ii) One of the bailors shall be a close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

8. The trial Court is directed to take steps to frame the charges upon the petitioners at the earliest as per the procedure of law.

(Shailendra Singh, J)

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