

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81256 of 2023

Arising Out of PS. Case No.-220 Year-2019 Thana- KATEYA District- Gopalganj

SHESHNATH SAH @ SHESHNATH GUPTA SON OF VINDHYACHAL
SAH RESIDENT OF VILLAGE - HARARAWA, P.S.- KATEYA, DISTRICT
- GOPALGANJ (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar
For the State	:	Mr. Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-04-2024 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 30.08.2023 passed in Cr. Misc. No. 56520 of 2023.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in connection with T.R. No. 476 of 2023 arising out of Kateya P.S. Case No. 220 of 2019 registered for the offence under Sections 302/34 and 120B of the Indian Penal Code.

4. As per the prosecution case, 13 accused persons including the petitioner have assaulted the victim with various arms and the specific allegation of assault is against the petitioner on the head of the deceased.

5. It has been submitted by the learned counsel for the petitioner that earlier the bail of the petitioner was dismissed



considering the allegation levelled in the FIR and the post-mortem report was not considered. The post-mortem report shows that the victim has sustained one abrasion and one head injury and thereafter she died.

6. In his further submission learned counsel for the petitioner has submitted that the deceased was an old lady and in the land dispute, she fell down and thereafter sustained a head injury and died and taking advantage of the same the present FIR was filed making thirteen persons as accused.

7. Learned counsel for the petitioner also submits that the petitioner is in custody since 20.06.2023.

8. Learned APP for the State has vehemently opposed the prayer for bail by contending that the trial has started and some of the witnesses have been examined.

9. I have heard and considered the submissions of the parties.

10. In the opinion of this Court, if thirteen persons intend to kill someone from the other side then the deceased will not sustain only two injuries that too one of abrasion and one head injury and no male member of the prosecution side has been injured. It appears that the prosecution side has not come with clean hands and has tried to take advantage of the death of



and old lady and has implicated thirteen persons in this case as an accused.

11. In view of the above discussions, this application is allowed.

12. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Additional Sessions Judge-I, Gopalganj in connection with T.R. No. 476 of 2023 arising out of Kateya P.S. Case No. 220 of 2019.

13. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the petitioner.

14. It is made clear that the observations made this order are only for the purpose of consideration of the prayer for bail of the petitioner.

(Sandeep Kumar, J)

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