

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82491 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- TURKAULIYA District- East
Champaran

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RAMJIVAN SAH SON OF SATHU SAH RESIDENT OF VILLAGE-
SINGHIYA SAGAR, P.S.- BANJARIYA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Turkauliya (Banjariya) P.S. Case No. 374 of 2023 registered

for the offences punishable under Sections 147, 148, 149,

341, 342, 323, 324, 325, 307, 302, 427, 354B, 504, 447,

448 of the Indian Penal Code.

3. As per prosecution case, 16 FIR named

accused persons including the petitioner and three unknown

are alleged to have concertedly gave knife blow to the

informant's younger brother as a result of which he

succumbed to the injury.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. The postmortem report indicates that death was occurred on account of stab injury and said injury is not specifically attributed to the petitioner. He further submits that only single knife blow injury was noticed upon the deceased while conducting postmortem negating the allegation prima facie that assault as alleged was caused by 19 accused persons including the petitioner. He further submits that petitioner is in custody since 14.07.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused Hari Shankar Sah, Narad Kumar @ Narad Sah and other have already been granted bail by co-ordinate Bench of this court vide Cr. Misc. No. 46641 of 2023 and Cr. Misc. No. 46762



of 2023 respectively and on the principle of parity, petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 374 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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