

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63926 of 2018

Arising Out of PS. Case No.-128 Year-2015 Thana- KURSAKANTA District- Araria

Binod Sah Son of late Hubbi Sah Resident of Village- Karahia, P.S.
Kursakanta, Distt. Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh
For the Opposite Party/s : Mr. Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 05-12-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Kursakanta P.S. Case No. 128 of 2015** registered for the offence punishable under Section 364/34 of the Indian Penal Code and sections 302, 201, 120B/34 of the Indian Penal Code.

Informant in her written report has alleged that the petitioner along with FIR named accused kidnapped her husband and killed him.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to land dispute. It has been submitted that there is no eye witness to the said occurrence. It has been further submitted that the Informant has raised suspicion in her FIR against the petitioner and except suspicion there is no incriminating



material against the petitioner to rope him in this case. Similarly, situated co-accused person Manoj Shah has been granted bail by a co-ordinate bench of this Court vide order dated 05.11.2018 in Criminal Miscellaneous No. 64989 of 2018. Petitioner is in custody since 18.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-V, Araria**, in connection with **Kursakanta P.S. Case No. 128 of 2015**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

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

(S. Kumar, J)

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