

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22640 of 2019

Arising Out of PS. Case No.-414 Year-2018 Thana- GOPALPUR District- Bhagalpur

DEORAJ SAH @ DEVRAJ SAH @ DORAJ SAH S/o Parsadi Sah Resident
of Village- Gyani Das Tola Tintanga Diyra, P.S.- Gopalpur (Rangra) O.P.,
District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the informant
Sanik Kumar gave his fardbeyan before the S.H.O. of Rangra
P.S. stating therein that on 10.11.2018 at night there was a Natak
Programme in his village and he along with his brother was
watching the Natak Programme. At about 1 A.M. his brother
went to sleep at Guhal. It is also submitted that he also
proceeded to his house and on way to his home he heard a
sound of firing. When he reached at his house, he saw that Sunil



Mandal, Anil Mandal and Dev Raj Sah (accused petitioner) are fleeing away from his house after shooting his brother. Sunil Mandal was armed with arms and when he raised Hulla, they fled away.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in the present case. He submits that there is specific allegation against Sunil Mandal. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses. Petitioner is languishing in judicial custody since 11.11.2018.

In the facts and circumstances of the case, 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 the learned Additional Chief Judicial Magistrate-IIIrd, Naugachia, District-Bhagalpur in connection with Gopalpur Police Station Case No. 414 of 2018, subject to the conditions that:

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

(II) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(III) 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.

(Anjani Kumar Sharan, J)

devendra/-

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