

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78174 of 2018

Arising Out of PS. Case No.-172 Year-2018 Thana- BHARGAMA District- Araria

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1. Binod Sah, S/o Devan Sah,
 2. Upendra Sah, S/o Late Harilal Sah.
 3. Pintu Sah, S/o Upendra Sah.
 4. Gulab Sah, S/o Late Singheshwar Sah.
- All residents of Village- Khajuri Ward no. 8, P.S. Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 13-02-2019 Heard learned counsel for petitioners, learned counsel for the informant as well as learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Bhargama P.S. Case No. 172 of 2018 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 07.07.2018 at about 12:30 A.M. while she along with her husband were sleeping, all FIR named accused including petitioners came in her courtyard and thereafter Lal Mohar Sah ordered to kill her husband then Saroj Sah shot on the Temple region of her husband as a result he died.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They



have been falsely implicated in this case due to land dispute. There is specific allegation of firing against Saroj Sah. There is general and omnibus allegation against the petitioners. Petitioners are in custody since 11.07.2018.

Bail petition is vehemently opposed by learned counsel for the informant as well as State.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Bhargama P.S. Case No. 172 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners 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 their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.
- (3) If the petitioners 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 petitioners.

(S. Kumar, J)

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