

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78361 of 2018

Arising Out of PS. Case No.-265 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Raj Kumar Sah Son of Late Lallan Sah, Resident of Mohalla- Gudari Bazar,
Takkar More, Daulatganj, Police Station- Bhagwan Bazar, District- Saran at
Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh

For the Opposite Party/s : Mr.Smt. Rita Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 28-01-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Petitioner, who is in custody, seeks bail in
connection with Bhagwan Bazar P.S. Case No. 265 of 2018
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code.

Informant is the brother of deceased, who in his
fardbeyan has alleged that his brother was taken by this
petitioner and other four accused persons named in the FIR. It is
further alleged that he got information in the morning that the
dead body of his brother has been thrown towards south of
house of Kayamuddin Miyan. Deceased was having injury with
knife on his neck, face, shoulder, etc.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that police has enclosed the confessional statement of one Mithlesh Thakur along with FIR itself, wherein, he has stated before the police about committing the aforesaid occurrence and the police also recovered knife used in the occurrence on the basis of his confessional statement. It has been further submitted that there is no specific role attributed against petitioner and there is no eye witness of the occurrence. It has been further submitted that similarly co-accused, namely, Dhupnath Sah has been granted bail by this Hon'ble Court vide order dated 15.01.2019 passed in Cr. Misc. No. 74373 of 2018. Petitioner is in custody since 28.10.2018.

Learned Counsel for the informant has vehemently opposed the prayer for grant of regular bail to the petitioner.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 265 of 2018 subject to the conditions that:-



(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 properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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