

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80465 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- PAWANA District- Bhojpur

Deepak Sah S/o - Mohan Sah, Resident of Village - Dhobha, P.S.- Pawana,
District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Smt Pushpa Sinha (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

5 14-03-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code.

Informant has alleged that on 18.07.2018 at about
8:30 P.M., while he was on his way to listen story of Srimad
Bhagwat in village and as he reached near the house of Vijay
Kahar he saw that some persons had assembled there and he
was also going on roof and when was on stair case then he saw
that co-accused including petitioner were coming down from
roof he found that his son Sunny Pandey lying on the roof in
unconscious and injured condition and his hands and mouth
were tied by cloth.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to land dispute between father of petitioner and informant. Petitioner is not related with main accused. The reason for murder was that there was some altercation and scuffle between deceased and Ranjit Kumar son of accused Vijay Kahar who called and took deceased on his roof and he was killed. There is no eye-witness of the occurrence. Petitioner has no criminal antecedent and is in custody since 20.07.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Pawana P.S. Case No. 40 of 2018, subject to 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 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.

(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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