

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75951 of 2018

Arising Out of PS. Case No.-487 Year-2018 Thana- BEGUSARAI TOWN
District- Begusarai

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Niraj Sah Son of Late Haribansh Sah, Resident of Village- Bagha, P.S.-
Town (Lohia Nagar O.P), District- Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shaishav Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 07-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act registered in connection with
Begusarai Nagar P.S. Case No. 487 of 2018.

3. It is submitted that the petitioner has been falsely
implicated on mere suspicion, except which there is no other
material to connect the petitioner with the alleged occurrence. As
a matter of fact, the petitioner's wife had paid an amount of Rs.
9,60,000/- to the deceased for purchase of land but on the date of
registration, the deceased had fled away. Thereafter, the deceased
along with other persons came to the house of the petitioner and
assaulted his wife in respect of which the petitioner had



instituted F.I.R. vide Begusarai Sadar P.S. Case No. 321 of 2018. Upon investigation, the police found the case true against the deceased. It is submitted that the accusation against the petitioner is highly improbable inasmuch as the consideration money for the land having been already paid would be contrary to the interest of the petitioner and his wife if the informant's son were killed. The petitioner claims clean antecedents.

4. Learned APP could not point out any objective material against the petitioner from the case diary.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai or his successor in connection with Begusarai Nagar P.S. Case No. 487 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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