

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7539 of 2020

Arising Out of PS. Case No.-213 Year-2017 Thana- NOKHA District- Rohtas

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Sushil Kumar Sah Son of Shiv Ji Sah Resident of Village - Amaithi, P.S.-
Sanjhauli, Distt.- Rohtas. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Nokha P.S. Case No. 213 of 2017 registered
for the offence under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in this case. It is submitted
that initially on finding of an unknown dead body in a canal
which was later on identified to be of one Madan Mohan Sahoo
and the case of unnatural death was registered in the year 2015.
The name of the petitioner has been dragged in this case only
when his Aadhar Card was found in the vehicle which has fallen
in the canal. It is submitted that the petitioner is the son of the
owner of the Bolero vehicle in which his Aadhar card has been
found. It is further submitted that the owner and driver of the
vehicle have been allowed anticipatory bail by a learned co-



ordinate Bench of this Court.

Learned APP has opposed the prayer of anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that initially when one unknown dead body of the deceased was found which was identified as that of one Madan Mohan Sahoo and the case of unnatural death was registered in the year 2015 which has now been converted giving rise to Nokha P.S. Case No. 213 of 2017 under Section 302 IPC, this petitioner is said to be the son of the owner of the Bolero vehicle and only because his Aadhar Card was found in the vehicle which had also fallen in the canal in which the dead body was found, he has been sought to be made accused and further submission is that the owner of the vehicle as well as the driver of the vehicle have been granted anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 61848 of 2018 and Cr. Misc. No. 36759 of 2019 and the case of this petitioner is similarly situated with those of the co-accused, there being no point of distinction and the submission of the petitioner on this ground remain uncontroverted by learned APP for the State, let the petitioner above named in case of his arrest or surrender within



a period of four weeks from today in connection with Nokha P.S. Case No. 213 of 2017 be released on bail on furnishing of bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Rohtas, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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