

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37514 of 2021**

Arising Out of PS. Case No.-93 Year-2020 Thana- BARIYARPUR District- Munger

Rakesh Sah @ Sikka Sah @ Rakesh Kumar Son of Vishnu Dev Sah @
Bishuni Sah Resident of Village- Khapra, P.S.- Sambhu Ganj, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Pradeep Nr. Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 21-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bariarpur P.S. Case No. 93 of 2020, registered for the offence under Sections 302, 379/34 of the Indian Penal Code.

As per the prosecution case, on 09.09.2020 at about 12 o'clock, the informant received an informant from his eldest son that his younger son Santosh Rai is lying unconscious at Shambhuganj More. On this information, the informant went there and found his son unconscious, then he took his son to the hospital. It is further alleged by the informant that on 07.09.2020, the deceased had gone to the house of his sister and when he was returning, the FIR named accused persons including this petitioner intercepted his deceased son and



administered him some poisonous substance, due to that, he became unconscious and died during course of treatment.

Petitioner denied the prosecution case and submits that he has been falsely implicated in this case. Counsel for the petitioner submits that the allegation levelled in the F.I.R. is false and concocted. Informant is not the eye-witness to the occurrence. There is general and omnibus allegation and no specific overt act has been alleged against this petitioner. Counsel for the petitioner further submits that in course of investigation, the police examined the brother-in-law and sister of the deceased, but they have not named this petitioner. Petitioner has got clean antecedent and is in custody since 24.12.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate - II, Munger in connection with Bariarpur P.S. Case No. 93 of 2020, on the following conditions:



“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

