

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40761 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- BIDUPUR District- Vaishali

Vivek Sah S/O Bari Lal Sah R/O Village- Kalyanpur, P.S.- Bidupur, District-
Vaishali (Hazipur) ... Petitioner

Versus

The State Of Bihar ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Mithlesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-10-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302/201/34 of the Indian Penal Code.

As per the prosecution case, brother of the informant was married with Putul Kumari in the year 2006 and thereafter his brother settled in his sasural and started doing business there. On 27.7.2020, informant received an information that his brother was assaulted due to which, he died and the informant suspected that the petitioner and other accused persons have killed his brother and disappeared his dead body with intention to grab his business premises and properties.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Informant is step brother of the deceased and only with a view to grab the property, he has lodged the instant false case against the petitioner. Similarly situated co-accused has already



been allowed bail by a co-ordinate bench of this Court vide para 17 of the bail petition. Petitioner has claimed clean antecedent and he is in custody since 8.3.2021. Charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Hajipur, Vaishali in Bidupur Police Station Case No. 275 of 2020 on the following conditions:-

(1) 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 the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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)

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