

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34845 of 2020

Arising Out of PS. Case No.-176 Year-2020 Thana- DESARI District- Vaishali

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1. LALU SAH @ LALO SAH @ LALO S/o Late Ramvilas Sah R/o Village-Gonhar Nawada, P.S.- Muffasil, District- Samastipur.
 2. Rajesh Kumar S/o Lalu Sah @ Lalo Sah @ Salo Resident of Village-Gonhar Nawada, P.S.- Muffasil, District- Samastipur.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Yogesh Chandra Verma, Senior Advocate.
For the State	:	Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-06-2021 Heard learned Senior counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Desari P.S. Case No.176 of 2020 registered under Sections 302/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that Chandan Thakur, the husband of the informant Nitu Devi, who was barber and also used to practice of exorcism, before six months, had gone to the house of the petitioner no.1 Lalu Sah and had done the exorcism of the wife of the petitioner no.1 Lalu Sah. After some days, the petitioner no.1, Lalu Sah along with his son and some others



came on Bolero vehicle and told that after exorcism, his wife is not feeling well and asked the husband of the informant to do the exorcism of his wife properly otherwise, he would be killed. Before 10 days, the petitioner no.1 Lalu Sah alongwith his son came at the door of the informant and accompanied her husband Chandan Thakur boarding on a motorcycle and, thereafter, the husband of the informant returned in the evening. Again on 11.07.2020, in the morning, three persons, boarding on two motorcycles, covering their faces, came at the door of the informant and took her husband on the pretext of calling for the worship. In the evening, the villagers spread rumour about committing the murder of her husband Chandan Thakur at village-Toi Math Surahapul. Thereafter, the informant along with the villagers went there and saw the dead body of her husband sustaining firearm injury on his head pooled with blood. The informant raised suspicion that her husband has been killed under conspiracy of the petitioner no.1, Lalu Sah, his son and two unknown.

Learned Senior counsel for the petitioners submits that it would appear from the F.I.R. and the case diary that on mere suspicion, the petitioners have falsely been implicated in this case. Further submission is that it would appear from the



F.I.R. that, earlier, the petitioner no.1 and his son came at the house of the informant and accompanied the husband of the informant from the house but, thereafter, three persons, covering their faces, came at the house of the informant and took her husband. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub Judge-16-cum-Additional Chief Judicial Magistrate-15, Vaishali at Hajipur, in connection with Desari P.S. Case No.176 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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