

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37578 of 2020

Arising Out of PS. Case No.-289 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. Shankar Sah, aged about 67 years, Gender-Male, S/o Late Ram Govind Sah, R/o Village- Astipur Lalachak, P.S.- Hajipur Sadar, District- Vaishali.
2. Sarita Devi, aged about 60 years, Gender-Female, W/o Shankar Sah, R/o Village- Astipur Lalachak, P.S.- Hajipur Sadar, District- Vaishali.
3. Chhotu Kumar @ Chhotu Sah, aged about 34 years, Gender-Male, S/o Shankar Sah, R/o Village- Astipur Lalachak, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bhola Prasad, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 302, 328 and 120(B) of the I.P.C.

The prosecution story, in brief, is that on 17.05.2020, the informant's son Sachin Kumar was playing cricket and during this course the accused persons including the petitioners



took his son to their house by assaulting and they all administered him poison and in unconscious position they left his son behind their house. He got information by his brother Dipak Sah and he went there and found that his son Sachin Kumar was lying in unconscious position and he brought his son for treatment to hospital and during treatment his son died.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is no eye witness to the alleged occurrence. The names of the petitioners have transpired in the present case merely on the basis of suspicion. Except for suspicion, neither there is any substantive evidence to suggest the implication of the petitioners in the present case nor there is any circumstantial evidence to suggest the participation of the petitioners in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Hajipur at Vaishali, in connection with Hajipur Sadar P.S. Case No. 289 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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