

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1902 of 2022

Arising Out of PS. Case No.-102 Year-2021 Thana- SHANKARPUR District- Madhepura

BHUPENDRA SAH Son of Late Rameshwar Sah Resident of Village- Jitpur,
Ward No. -1, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shankarpur P.S. Case No. 102 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 19.08.2021.

The allegation against the petitioner is to commit
murder of the husband of the informant for previous dues of Rs.
15,000/-, along with other co-accused persons.

Learned counsel appearing on behalf of the petitioner
submitted that admittedly, the informant is not the eye-witness



of the occurrence. It is also submitted that name of the petitioner surfaced on the basis of confessional statement, where maximum incriminating circumstances appear against the petitioner, is to write a letter endorsing thereof that the main accused, namely, Randhir Sah, committed murder of husband of the informant and put that letter in-front of the house of the informant. It is further submitted that by taking totality of facts of present occurrence, nothing incriminating surfaced during course of investigation which may connect petitioner, *prima facie*, with present set of occurrence. It is pointed out that petitioner is involved in 7 cases, in which he is on bail, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, nothing incriminating surfaced during course of investigation which may connect the petitioner, *prima facie*, with the present set of occurrence coupled with the fact that charge-sheet has



already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shankarpur P.S. Case No. 102 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Madhepura/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Mahendra Sah, who is the father-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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