

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4464 of 2022

Arising Out of PS. Case No.-97 Year-2019 Thana- SARAIYA District- Muzaffarpur

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Tulsi Sah S/o- Late Ganaur Sah Residnet of Village- Imaritpur, P.S. - Vaishali,
District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Mr. Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 05-12-2022 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Saraiya

P.S. Case No. 97 of 2019, registered for the offences

punishable under Sections 302, 201/34 of the Indian Penal

Code.

The prosecution story as emerges from the FIR is

that one Raju Sah was found dead hanging on a mango tree

at 'Banauli Gachhi'.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that FIR has been lodged



against unknown because the informant was not aware of the persons who caused the death of the deceased. The whole case against the petitioner is based on suspicion. There is no incriminating material found as per the Case Diary even after completion of the investigation. Charge-sheet in this case has already been submitted. He also submits that the co-accused, Anil Kumar has been enlarged on bail by the co-ordinate Bench of this Court vide order dated 20.10.2022 passed in Cr. Misc. No. 33519 of 2022.

The petitioner has been languishing in jail since 11.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld.Additional Chief Judicial Magistrate-IV, (west), Muzaffarpur in connection with Saraiya P.S. Case No. 97 of 2019 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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