

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4645 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- SARSI District- Purnia

RAM CHANDRA SAH @ KRISHNA CHANDRA SAH SON OF
UPENDRA SAH R/O VILLAGE- PARASMANI, P.S.- SARSI, DISTRICT-
PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 302/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 13.03.2021, at 12:00
p.m., Upendra Sah was shouting at his door that he would kill
the entire family of Zira Devi who is mother of the informant. It
is alleged that when his mother was returning home after buying
Surf and reached near the house of Upendra Sah, it is alleged



that Upendra Sah assaulted Zira Devi with axe on her head and face repeatedly 3-4 times causing injury. Thereafter, it is alleged that Ram Chandra Sah (petitioner) assaulted the informant on leg and Sabiya Devi and Nilam Devi hurled abuses. It is alleged that all the accused assaulted and murdered her mother which was witnessed by many people.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and as far as this petitioner is concerned, it is alleged that he assaulted Zira Devi on her leg but no injury was found on her leg. It is next submitted that during the course of investigation, the statement of Baby Devi daughter of Zira Devi, Umesh Sah brother-in-law of Zira Devi, Subhash Chandra Sah also brother-in-law of Zira Devi was recorded at paras 24, 25 and 26 of the case diary as specifically pleaded at para 6(vi) of the anticipatory bail application that they have also not named the petitioner nor they have even remotely suggested about his participation in the occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Purnea, Sarsi P.S. Case No. 27 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and further learned Trial Court before accepting the bail bond of the petitioner shall verify from the case diary with regard to the statement of the aforesaid witnesses as submitted by the learned counsel for the petitioner. In the event, if it is found that they have not taken the name of the petitioner then the bail bond of the petitioner shall be accepted forthwith and in the event if it is found that they have taken the name of the petitioner then the present order shall not be acted upon.

(Satyavrat Verma, J)

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