

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10757 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- SARAIYA District- Muzaffarpur

Nagi Sah @ Nagendra Sah @ Nage Sah Son of Late Jagdish Sah Resident of
Village - Gopinathpur Dokra, P.S. - Saraiya, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19183 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- SARAIYA District- Muzaffarpur

Mukesh Sah Son of Pathal Sah R/O Village - Gopinathpur Bokra, P.S.-
Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10757 of 2022)

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the State : Mr. Raj Kishore Singh, APP

(In CRIMINAL MISCELLANEOUS No. 19183 of 2022)

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate

For the State : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-11-2022

Cr. Misc. No. 10757 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Saraiya



P.S. Case No. 100 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 29.08.2021.

The allegation against the petitioner is to commit murder of brother of the informant, alongwith other co-accused persons and also to snatch Rs.25,000/- (Rupees Twenty Five Thousand) due to old disputes.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, merely, on the ground of suspicion, as there is dispute between the parties. It is submitted that informant is not the eye witness of the occurrence, where nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner with the present occurrence. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 59364 of 2021 dated 29.03.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with



the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as implication appears to be based upon suspicion, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted, where petitioner is in custody since 29.08.2021, let the petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 100 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 Additional Chief Judicial Magistrate-IV, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

Cr. Misc. No. 19183 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Saraiya P.S. Case No. 100 of 2021 registered for the offence under Sections 302 and 34 of the Indian Penal Code.



The accused/petitioner is named in the F.I.R. and is in custody since 09.08.2021.

The allegation against the petitioner is to commit murder of brother of the informant, alongwith other co-accused persons and also to snatch Rs.25,000/- (Rupees Twenty Five Thousand) due to old disputes.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, merely, on the ground of suspicion, as there is dispute between the parties. It is submitted that informant is not the eye witness of the occurrence, where nothing incriminating surfaced/recovered during the course of investigation to connect this petitioner with the present occurrence. It is further submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 59364 of 2021 dated 29.03.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes



the prayer of bail.

In view of the facts and circumstances, as mentioned above, as implication appears to be based upon suspicion, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has been submitted, where petitioner is in custody since 09.08.2021, let the petitioner, above named, is directed to be released on bail in connection with Saraiya P.S. Case No. 100 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 15th Additional Sessions Judge, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C._

(Chandra Shekhar Jha, J)

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