

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15011 of 2022

Arising Out of PS. Case No.-203 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Prakash Sah @ Raghuraj Son of Kanhaiya Sah Resident of Mohalla-
Dahiyawan, P.S.- Chapra Town, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bhagwan Bazar P.S case No. 203 of 2018, dated

20.05.2018, registered for the offences punishable under

Sections 364/34 of the Indian Penal Code. Later on,

Sections 302 and 120(B) of the Indian Penal Code was also

added.

The prosecution case as emerging from the FIR is

that on 15.05.2018, one co-accused Dinesh Rai, in between

08.00 to 09.00 P.M., came at the house of the informant

and took away the brother of the informant, namely, Sib



Kumar. When the brother of the informant did not return, the informant started searching him. On search, the informant came to know that his brother was killed by the petitioner and his associates.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that he is not named in the FIR and his name emerged from the confessional statement of one co-accused Dinesh Rai. He also submits that investigation is complete and charge-sheet has already been submitted in this case. However, Ld. Counsel for the petitioner is not sure whether charge has been framed or not. He further submits that the petitioner has been languishing in jail since 25.08.2020 i.e., for more than two years.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made



accused in six more cases namely, Bhagwan Bazar P.S. Case No. 217 of 2020, Bhagwan Bazar P.S. Case No. 175 of 2019, Bhagwan Bazar P.S. Case No. 543 of 2019, Chapra Town P.S. Case No. 105 of 2018, Morhowrah P.S. Case No. 368 of 2018 and Bhagwan Bazar P.S. Case No.137 of 2017.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, particularly completion of investigation and the nature of material collected during the course of investigation and custody of the accused-petitioner, 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. Chief Judicial Magistrate, Chapra, District-Saran in connection with Bhagwan Bazar P.S. Case No. 203 of 2018, **after framing of charge, if not already framed**, 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 criminal antecedent other than the disclosed one, 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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