

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26804 of 2021

Arising Out of PS. Case No.-386 Year-2020 Thana- MAHUA District- Vaishali

1. Durga Rai Son Of Bateshwar Rai Resident Of Village- Tajpur Bujurg, P.S.- Mahua, District- Vaishali.
2. Mohan Sah S/O Tater Sah Resident Of Village- Tajpur Bujurg, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Anuj Kumar
For the Opposite Party/s :	Mrs. Pronoti Singh
	Mr. Yugal Kishore
	Ms. Rupa Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2022 Learned counsel for the petitioners does not want to press the bail application with regard to petitioner no. 1.

Accordingly, this application is dismissed as not pressed with regard to petitioner no. 1.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State for consideration of bail regard petitioner no. 2.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 328, 302



and 120B of the Indian Penal Code.

Allegation against the petitioner no. 2 is that he was identifier of the sale deed in question and was also a conspirator.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. There is no eyewitness to the instant occurrence. He submits that there is no specific allegation against petitioner no. 2. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the fact there is no specific allegation against petitioner no. 2, the above named petitioner no. 2 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five 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 Mahua P.S. Case No. 386 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Office is directed to return the FSL report to the



Director, Forensic Science Laboratory, Muzaffarpur.

(Anjani Kumar Sharan, J)

devendra/-

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