

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31346 of 2021**

Arising Out of PS. Case No.-168 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

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RAMESH SAH Son of Late Gopal Sah Resident of Mohalla - Upper Gangti,  
P.S.- Habibpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Manoj Kumar, Adv

For the Opposite Party/s : Mr.Anuj Kumar Srivastava, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      31-03-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and 27 of Arms Act.

The prosecution case, in short, is that the informant Nilam Devi on 18.08.2020 at 20.50 PM gave her fardbeyan at Aliganj Chowk in front of Sabji Market recorded by S.I. Pawan Kumar Singh of Babarganj P.S. stating therein that on 18.08.2020 at 19.15 hours, I received information that due to domestic dispute in the family the accused persons committed



murder of my husband Praveen Sah.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is own brother of deceased and admittedly there is domestic dispute in between them and there is no eye witness of the alleged occurrence and before filing the present FIR, the brother of the petitioner has filed a case vide Habibpur P.S.Case No.66 of 2016 against the deceased and the present informant and the petitioner has also filed a case against the deceased vide Habibpur P.S.Case No. 25 of 2017 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.08.2020.

Vide order dated 11.02.2022, a report was called for with regard to the stage of trial. Report reveals that the case is pending at the stage of evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Mojahidpur (Babarganj) Police Station Case No.168 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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