

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25928 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- LAUKAHA District- Madhubani

Rajendra Sah @ Rajendra Pd. Sah Son of Late Jagarnath Sah @ Jagarnath Pd.
Sah Resident of Village - Laukaha, P.S.- Laukaha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2022 Learned counsel for the petitioner submits that an inadvertent error has been occurred in the prayer portion of the petition wherein in place of “Judicial Magistrate 1st Class, Jhanjharpur, Madhubani”, it has been wrongly mentioned as “the court of District and Sessions Judge, Madhubani” and he seeks permission to correct the error in course of the day.

He is permitted to do so.

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

In the present case, the petitioner seeks bail in connection with Laukaha P.S. Case No. 23 of 2021 registered for the alleged offences under Sections 302, 304(B), 120(B) and 34 of the Indian Penal Code.

As per prosecution case, petitioner along with co-



accused persons committed murder of the daughter of the informant on account of demand of a motorcycle.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are vague, general and omnibus. The petitioner is a co-villager and he never demanded anything and never tortured the deceased. The prosecution case is merely based on suspicion and no cogent material is available on record to support the prosecution case. The inquest report and post-mortem report do not show any external injury and post-mortem report shows death of the deceased was due to severe anaemia resulting in cardiac heart failure. This clearly shows that the deceased died due to natural causes. Learned counsel further submits that the petitioner is in custody since 24.12.2021.

Learned APP for the State opposes the prayer for bail submitting that the petitioner and other co-accused persons on account of demand of motorcycle, killed the daughter of the informant.

Having regard to the submissions made hereinabove and considering the post-mortem report which shows death of the deceased occurred due to cardiac heart failure and severe anaemia and further considering the period of



custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 23 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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