

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35447 of 2021

Arising Out of PS. Case No.-770 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. NAGESHWAR SAH S/o Late Nathu Sah Resident of Village - Astipur, Lalachak, P.S. - Sadar Hajipur, District - Vaishali.
2. Mukesh Sah S/O- Baidnath Sah @ Vijnath Sah Resident of Village - Astipur, Lalachak, P.S. - Sadar Hajipur, District - Vaishali.
3. Pawan Kumar S/O Basdev Sah Resident of Village - Astipur, Lalachak, P.S. - Sadar Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baban Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-03-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within a period of four weeks of resumption of normal court functioning. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

Earlier, vide order dated 03.02.2022, the bail application on behalf of the petitioner nos.2 and 3 was dismissed as withdrawn. The present application is being heard on behalf of petitioner no.1 only.

The petitioner apprehends his arrest in a case in



connection with Hajipur Sadar P.S. Case No.770 of 2020, registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner no.1 is that he along with other accused persons named in the F.I.R. have murdered the husband of the informant by strangulation.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no eye-witness to the alleged occurrence and only on suspicion, petitioner has been made accused in this case. There is no evidence to suggest the participation of the petitioner in the present case. Petitioner has no criminal antecedent and similarly situated co-accused namely Munna Sah @ Munna Prasad Gupta and Renu Devi have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 23.07.2021, passed in Cr. Misc. No.36341 of 2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



since similarly situated co-accused have been enlarged on anticipatory bail, let the above named petitioner no.1, be also released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Hajipur Sadar P.S. Case No.770 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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