

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26746 of 2022**

Arising Out of PS. Case No.-228 Year-2020 Thana- PIYAR District- Muzaffarpur

1. Santosh Kumar @ Santosh Sah.
2. Anil Kumar @ Anil Sah.
Both sons of Ram Vilash Sah R/o village- Bagai @ Mahinathpur, P.S.- Piar,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.
Mr. Udbhav, Adv.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 30-08-2022 Heard Mr. Ajay Kumar Thakur, learned Senior
Counsel for the petitioners and the learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection
with Piar P.S. Case No.228/2020 instituted under Sections 302
of the IPC.

As per the allegation in the FIR, the informant has
alleged that her husband had gone towards the field in the
morning but failed to return and upon search, it was informed by
the villagers around afternoon that his body is lying near a bush.
When she reached the place of occurrence, he was found dead.
She has alleged in the FIR that her husband was the only



earning member and was survived by beside the lady and three growing children.

Mr. Ajay Kumar Thakur, learned senior counsel for the petitioners submit that without going into the merit of the case and/or the allegation made in the FIR, considering the fact that allegation is of use of live wire around the field to prevent the same from animals that may have been the cause of the alleged death, on humanitarian grounds, the petitioners want to support the informant and her three children by paying Rs.1,00,000/- through Demand Draft issued by the State Bank of India, local Branch.

So far the allegation made in the FIR is concerned, learned counsel for the petitioners submit that there is nothing on the record to show the implications of the two petitioners and it is alleged that their father namely Ram Vilash Sah may have put a live wire around the field he was tilling which may have caused the death. He further submits that for the said alleged implication, against their father, they have already suffered by being in custody since 25.03.2022 (as stated in para-20 of the bail application) and has further submitted that they have no criminal antecedents.

Taking into account the aforesaid facts that there is



nothing on record to show implications of the petitioners herein who are sons of Ram Vilas Sah, they are in jail since 25.03.2022 and charge-sheet stands submitted, this Court is inclined them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Piya P.S. Case No.228/2020 to the satisfaction of learned Judicial Magistrate, Ist Class, Muzaffarpur East, Muzaffarpur, subject to the payment of Rs.1,00,000/- paid through Demand Draft issued by the State Bank of India, local Branch in favour of the informant namely Madhubala Kumari to be submitted to the court which in turn shall hand it over to Madhubala Kumari after ascertaining her identity through Government documents (Aadhar, Voter Id, etc.) with following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;



(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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