

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40403 of 2021**

Arising Out of PS. Case No.-13 Year-2007 Thana- MADHUBANI TOWN District-
Madhubani

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DUKHI SAH Son of Late Sita Ram Sah Resident of Mohalla- Maharajganj,
Ward No.10, P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

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

2 21-01-2022 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 the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Nagar
(Rahika) P.S.Case No.13 of 2007 registered for the offence
under Sections 306 and 34 of the Indian Penal Code.

The prosecution case in short is that the widow of the
deceased named ten persons including the petitioner and alleged
that the accused persons encroached the land of the informant
and constructed wall. The husband of the informant took shelter
in the house of a Netaji and on account of fear of the petitioner



and others her husband committed suicide.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the present case has been instituted up-till 2007 but after lapses of 13 years the petitioner has falsely been implicated in the present case. He further submits that co-accused, namely, Dharmdeo Sah has been granted bail vide order dated 29.10.2018 in Cr. Misc. No.53362 of 2018 and other co-accused, namely, Madha Sah, Gauri Sah @ Gauri Shankar Sah @ Gauri Shankar Sahu, Kanta Sah, Mishri Sah, Bhola Sah, Kailash Devi have been granted privilege of anticipatory bail vide order dated 09.09.2019 in Cr. Misc.No.43688 of 2019 by different Coordinate Benches of this Hon'ble Court. In recently one of the accused, namely, Dilip Sah has been granted bail vide order dated 22.12.2021 in Cr.Misc. No.33803 of 2021 by a Coordinate Bench of this Hon'ble Court. Petitioner is in custody since 31.01.2021.

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

Considering the aforesaid facts, 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 Additional Chief Judicial Magistrate-I, Madhubani in connection with Nagar (Rahika) P.S.Case No.13 of 2007 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)

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