

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42023 of 2021

Arising Out of PS. Case No.-463 Year-2020 Thana- GOGRI District- Khagaria

NANHKU SAH @ NANHKU SAW S/O ASHOK SAH @ ASHOK SAW
R/O VILLAGE-FUDANICHAK, PATRON, P.S-GOGARI, DISTRICT-
KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gogari
P.S. Case No. 463 of 2020 registered for the offences punishable
under Sections 364, 302/34 of the Indian Penal Code.

The prosecution case in brief is that the informant
stated that his elder sister Soni Khatoon was married about five
year ago with Meer Mumtaz. His younger sister Chandani @
Chandani Khatoon has been kept by his brother-in-law from two
years and left his elder sister Soni Khatoon. Soni Khatton lives
with informant. On 23.12.2020 at about 10-11 A.M. Chandani



came at informant's house at Shergardh and after one hour petitioner along with three others came at his house, assaulted Chandani and dragged her from the house of informant to Shergarh cemetery. On information, informant reached there and saw that his mother was also sat there. FIR named accused persons including the petitioner armed with sword, rifle were there. Co-accused Gopal Yadav started shooting Chandani with rifle. Gopal Yadav shot five rounds and threatened to informant and fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 11.01.2021 and bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner is quite innocent and has falsely been implicated in the present case by the informant mere on suspicion. There is no specific overt-act against the petitioner rather there is direct allegation against co-accused Gopal Yadav with regard to firing upon the deceased. He further submits that from perusal of the FIR, it is clear that at best the petitioner is member of unlawful mob only.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case



as well as period of custody and this fact that there is no specific overt-act against the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kagaria in connection with Gogari P.S. Case No. 463 of 2020 , subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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