

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32833 of 2022

Arising Out of PS. Case No.-633 Year-2021 Thana- SAKRA District- Muzaffarpur

SURENDRA SAH Son of Darogi Sah Resident of Village - partapur, P.s.-
Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sakra P.S. Case No. 633 of 2021 for the offences under
Sections 394, 302 and 201/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the prosecution story, the informant's son who
had gone out of home with his pick-up van failed to return and
subsequently, he got information through social media that
someone has killed him and the body is lying on the road while
the accused persons escaped with the pick-up van. Accordingly.



he named these accused persons including the petitioner herein who may be the person behind the killing of his son in view of the fact that he had land dispute.

Learned counsel for the petitioner submits that it is out and out a road robbery in which the accused persons fled away with the pick-up van after killing his son and only because of land dispute, he has been made accused in the matter. With the Support of paragraph-8 of the bail application, he further submits that earlier the informant had captured his land which was vacated by the order of the learned LRDC, Muzaffapur in Case No. 30 of 2011 and when this unfortunate road robbery happened in which the innocent boy of the informant was killed and his pick-up van was looted, the informant got an opportunity to implicate him as also the other accused persons.

Considering all the aforesaid facts that there is no eye witness to the occurrence, the petitioner is in custody since 04.03.2022 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ACJM-XII, Muzaffarpur (East) in connection with Sakra P.S. Case No. 633 of 2021,



subject to the following conditions:-

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

(ii) the petitioner 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 his cancellation of bail by the Trial Court itself;

(iii) he 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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