

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45578 of 2021

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

1. DILIP SAH S/o- Late Shiv Nath Sah Resident of Village- Astipur, Lalachak, P.S.- Sadar Hajipur, District- Vaishali.
2. RAHUL KUMAR @ RAHUL SAH S/o- Dilip Sah Resident of Village- Astipur, Lalachak, P.S.- Sadar Hajipur, District- Vaishali.
3. Rohit Kumar S/o Dilip Sah Resident of Village- Astipur, Lalachak, P.S.- Sadar Hajipur, District- Vaishali.
4. Raushan Kumar S/o- Dilip Sah Resident of Village- Astipur, Lalachak, P.S.- Sadar Hajipur, District- Vaishali.
5. Pradeep Sah S/o- Late Shiv Nath 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, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-10-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove
the defects within four weeks.

At the outset, learned counsel for the petitioners seeks
permission to withdraw this application as against the petitioner
no.5, who has been arrested during pendency of this application.

Permission is granted.

The instant application as against petitioner no.5 stands



dismissed as withdrawn. Now it is being heard on behalf of petitioner nos.1 to 4.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 302/34 IPC.

Allegedly, all the FIR named accused persons including the petitioners are said to have committed murder of the husband of informant by strangulation.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no eye-witness to the alleged occurrence and only on suspicion, petitioners have been made accused in this case. Petitioners have no criminal antecedent. Similarly situated co-accused Nageshwar Sah has been enlarged on anticipatory bail by this Court vide order dated 03.03.2022 passed in Cr.Misc. No.35447 of 2021 and similarly Munna Sah 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 granted bail, let the above named petitioner nos.1 to 4, be released on bail, in the event of their 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) each 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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