

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38581 of 2022

Arising Out of PS. Case No.-575 Year-2020 Thana- RANIGANJ District- Araria

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Gautam Kumar Sah Son of Baijnath Sah Resident of Village- Nagrahi, P.S.-
Raniganj, District- Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Raniganj P.S. Case No. 575 of 2020, lodged under Sections
302/34 of the Indian Penal Code.

As per prosecution case, the informant has alleged
that his deceased brother was having a fertilizer shop and he
was slept in his shop. His neighbor shopkeeper heard sound of a
girl in the shop who is alleged to be Rubina Kumari. In the
morning the dead body of informant's brother was found. The
informant has every faith that the petitioner alongwith co-
accused persons namely Vijay Sah, Suren Sah, Baijnath Sah,
Rubina Kumari and some unknown associates have committed
murder of informant's brother Munna Sah by strangulation.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is a man of clean antecedent and only being a co-villager his name has figured in this case and for this he is in custody since 07.02.2022. He also submits that from the order passed by Sessions Court the only suspicion against the petitioner was that his tower location of Mobile was there as per C.D.R., in this regard, learned counsel for the petitioner submits that since petitioner is the resident of same village, therefore, it is obvious that there shall be a common tower location.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 575 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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