

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43552 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- GOPALPUR District- Gopalganj

1. SANDEEP SAH Son of Om Prakash Sah
 2. Pintu Sah Son of Om Prakash Sah
- Both are Resident of village- Chailwa, P.S- Gopalpur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 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 petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 304(B), 201/34 of IPC.

The prosecution case is that, the informant's sister was married to accused Manjeet Sah in which a motorcycle amongst other was gifted. However, the accused Manjeet Sah sold the motorcycle and was demanding bullet motorcycle



from her in-laws and it is alleged that on the fateful day after beating his sister, all the accused persons killed her sister. When the informant reached this place of occurrence, he found the burnt body of the sister and as such has alleged that the accused persons are responsible for the same.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that the petitioner Nos.1 and 2 are brother-in-law of the deceased. Further submits that it appears from the FIR that there is general and omnibus allegation against the petitioners and in fact the husband of the deceased and others have been acquitted from the charges by the learned District and Sessions Judge, Gopalganj vide judgment and order dated 11.05.2022 and the accused persons namely, Kaushlya Devi @ Kauslya and Ors have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order at Annexure-3 to the bail petition and the case of the petitioner is on similar footing.

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

Considering the facts and circumstances of the case,



let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gopalpur P.S. Case No.107 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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