

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53669 of 2021

Arising Out of PS. Case No.-61 Year-2020 Thana- SHRI NAGAR District- Madhepura

Aaren Sah @ Arun Kumar Sah Son Ofkedar Sah Resident Of Village-
Permanandpur, P.S- Srinagar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, as per F.I.R. dated 17.08.2020 is that on the preceding night the informant went to sleep along with his wife Sunita Devi and four children. All of them slept in a room on the chouki but at 2.a.m. he woke up after the hearing the sound of the firing and saw that his wife was injured and blood was coming out from the wrist of her left hand and her chest. It is also alleged that light bulb of the



Veramdah was removed. Criminals entered into the room after opening the Chitkini and shot his wife and fled away. The informant wife was then sent to P.H.C. Kumarkhand from where he referred to Sadar Hospital Madhepura from where it was informed to the informant by telephone that his wife has died during treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that petitioner is not named in the F.I.R. and there is no eye witness to the alleged occurrence. He further submits that the petitioner happens to be the brother-in-law of the deceased. He further submits that during investigation witnesses stated that the petitioner threatened the deceased earlier to vacate her shop which was situated in the land of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.04.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Srinagar P.S. Case No. 61 of 2020, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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