

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59737 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

Ajay Sah S/O Sanjay Sah R/O Village- Ramtola, Kothiya, P.S.- Muffasil,
Distirct- Khagaria

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Santosh Kumar Singh
For the Opposite Party/s :	Mr. Uday Chand Prasad
	Mr. Ram Nibash Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with Khagaria
(Muffasil) P. S. Case No.423 of 2021, instituted for the offences
under Sections 365, 367, 120(B) of the Indian Penal Code and
later on Section 302 of the I.P.C. was also added.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.06.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that his son (deceased) and Bablu Sahani were
abducted by the named accused persons along with 15 unknown



persons. Further, on search, Bablu Sahani was found, who disclosed the name of the accused persons, who abducted the son of the informant. It is further alleged that the dead body of the deceased was recovered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The learned counsel submits that the father (Sanjay Sah) of this petitioner is named accused in the present case. The learned counsel submits that it amply demonstrates that the informant was knowing the family of the petitioner, as such, he had named the father of the petitioner. The fact that petitioner is not named in the F.I.R. that amply demonstrates that the petitioner was not present at the place of occurrence, nor he has participated in the occurrence. The learned counsel submits that since the father of the petitioner was known to the accused persons, as such, the petitioner was also arrested and he was made to confess his participation in the present occurrence.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that petitioner is not named in the F.I.R. when his father is an accused in the F.I.R. and petitioner would have



participated in the occurrence and definitely, the informant would have named him.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Muffasil) P. S. Case No.423 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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