

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62429 of 2021**

Arising Out of PS. Case No.-698 Year-2019 Thana- KATIHAR NAGAR District- Katihar

Rakesh Sah @ Rakesh Kumar Sah Son of Ram Prasad Sah Resident of
Mohalla- Koriyapatti, Katihar, P.S.- Katihar Town in the district of Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 17-05-2022 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 petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act but later on Section 302 of the Indian Penal Code was added.

Allegation is that the accused persons including the petitioner caught the son of the informant and co-accused Raja Sah fired from his pistol in his chest and stomach, due to which informant's son died.

Learned counsel for the petitioner submits that the



petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the informant is not an eye witness and the allegation as alleged in the F.I.R. that the petitioner and other accused persons had caught hold the deceased. Accused Raja Sah fired upon the informant's son. He further submits that similarly situated co-accused Satish Sah @ Satish kr. Sah has been granted bail by a Coordinate Bench of this Court vide order dated 15.02.2022 in Cr. Misc. No. 20478 of 2021 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Katihar Town P.S. Case No. 598 of 2019, with 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 witness, 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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