

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54801 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

JALANDHAR SAH @ JALANDHAR @ JLANDHAR SAH S/o Nevalal Sah
@ Nevlal Sah Resident of Gadhsisai, P.S.- Vidyapati Nagar, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19

Let the defect(s), if any, as pointed out by the office be
removed within four weeks.

The petitioner is in judicial custody in connection with
Vidyapati Nagar P.S. Case No. 52 of 2021 for the offences under
Sections 302/34 of the Indian Penal Code.

As per the allegation in the FIR, the petitioner and other
accused persons took away the informant's son and later his dead
body was recovered and the allegation has been levelled against other
of killing the informant's son.

Learned counsel for the petitioner submits that the
petitioner do not have any role to play in the alleged killing as he
does not have anything to do with the fishing business and merely on
suspicion, he has been implicated in this case. In fact, he is a truck



driver who lives with his family in Delhi where he earn for his livelihood. He lastly submits that the similarly placed co-accused, Ajay Arjun Sahni and Ghuntun Sahni have since been released on bail by coordinate benches of this Court vide Cr. Misc. No. 44512 of 2021 and Cr. Misc. No. 4947 of 2022 respectively (which are part of the bail application as Annexure 3 and 3-A).

Taking into account the aforesaid facts that the petitioner is in custody since 19.7.2022, he do not have criminal antecedents, the omnibus allegation against him is of taking away the informant's son along with other co-accused, co-accused who have since been granted bail, as stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-III, Dalsinghsarai, District-Samastipur, in connection with Vidyapati Nagar P.S. Case No. 52 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond



by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay-

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