

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65616 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- BALTHAR District- West Champaran

DEEPAK SAH S/o Ramnath Sah @ Ramnath Thuraha R/o village- Murl
Parsauni, P.S.- Balthar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
charge-sheet has been submitted under Sections 302, 201 and 34
of the Indian Penal Code. Learned counsel submits that the
petitioner is in custody since 05.04.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his son (deceased) went to
see the fair on 11.03.2021 where dance programme was going
on and the uncle of the informant was also present. It is alleged



that the deceased from the programme was called by his friend Saheb Sah and they left but the deceased did not return in the night, hence, a search was made but the deceased could not be found. Further, the dead body was recovered on 12.03.2021. It is, thus, alleged that about three months back the mother of Prem Sah met with an accident by the tractor of the informant but the matter was settled through Panchayati. Further, though the issue was settled but the named accused persons, sons of Late Laxmi Sah had threatened to kill the informant and his family member. Thus, alleges that the accused persons killed the son of the informant after calling him from the programme.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. From bare perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eyewitness to the occurrence, though he has specifically named the accused in the FIR. It is further submitted that the entire allegation hinges around suspicion. Learned counsel further submits that petitioner is not named in the FIR and the name of the petitioner transpired in the case as the mobile of the deceased was sold to him by Saheb Sah. It is submitted that the petitioner unknowingly purchased the mobile of the deceased from Saheb Sah without knowing



that it was a stolen mobile. It is further submitted that the entire suspicion hinges around the family of Laxmi Sah and the petitioner has no concern with the family of Laxmi Sah.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 05.04.2021, is a person with clean antecedent and charge-sheet has been submitted and is not named in the FIR and taking into consideration the submissions made by the learned counsel for the petitioner, 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 Balthar P.S. Case No. 26 of 2021.

(Satyavrat Verma, J)

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