

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66270 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- BARGAINIA District- Sitamarhi

1. VIRENDRA SAH Son of Rambilash Sah Resident of Village- Jamua, P.S. Bargainia, District - Sitamarhi.
2. Lalan Sah @ Ramakand Sah Son of Chedi Sah Resident of Village - Kharahaniya, P.S. - Patahi, District - Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-07-2022 The present matter has been listed under the heading :

To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Bargainia
P.S. Case No. 142/2021 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

As per prosecution case, petitioners and others
committed murder of his aunt by pressing the neck for the sake



of property.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He further submits that during course of investigation it has come that the neighbour of the deceased (Lalmuni Devi) at about 2.20 pm on 27.07.2021 giving information through his mobile phone that “your Aunt is still sleeping” on that information the informant came at village Jamua and lodged the present case against the petitioners and his family member. From perusal of FIR, it appears that the informant resides at village-Ashogi Chapra Ghani, P.S.-Purhania and the alleged occurrence took place at village-Jamua, P.S. Bargainia as such informant is not the eye witness of the alleged occurrence. He further submits that the deceased was a widow and issueless lady having some ancestral property, so in order to garb to entire property of the deceased he has lodged the false case and dragged the petitioners and his family members who is the relatives of the deceased. He further submits that postmortem report has not supported the prosecution story. The petitioners are languishing in custody since 12.09.2021 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the



prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, postmortem report does not corroborate the prosecution story as alleged in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bargainia P.S. Case No. 142/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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