

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68273 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Rajesh Sah @ Rajesh Kumar Sah, Son Of Rajendra Sah Resident Of Village -
Rahamganj, P.S.- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kedar Jha
For the Opposite Party/s :	Mr. Ram Sumiran Rai
	Mr. Anshu Dhar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 386, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that alleges that his son was in love with his neighbour's daughter Tanu Kumari for the last 10 years. It is next alleged that on 06.04.2021, his son was called by the family of Tanu Kumari where it was depicted by Tanu Kumari that she will marry with the son of the informant or else she will commit suicide. It is next alleged that thereafter, a panchayati was held where all the six named accused persons including the petitioner threatened the informant that they



will kill his son within two days. It is next alleged that on 08.04.2021 at about 10.00-11.00 A.M. an accused with masked face came to the house of the informant and shot his son on the abdomen and thereafter, the injured was taken to the hospital where he died during the course of treatment.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case merely based on suspicion. It is next submitted that as per allegation as alleged in the F.I.R., it would manifest that informant himself alleges that his son and daughter of this petitioner were in love for the last 10 years for which, even a panchayati was held. It is further submitted that it absolutely does not stand to reason that the petitioner and her family members in the panchayati would have threatened the informant and his family members and thereafter, would have committed the occurrence. It is also submitted that merely because the son of the informant was in love with the daughter of the and that too, the love was one sided, as such, perhaps he might have committed suicide by killing himself. It is also submitted that police after investigation has not found the case to be true under Section 302 of the I.P.C. rather has found the case to be true under Section 306 of the I.P.C. It is also submitted that even the CCTV footage, which was recovered by the police also does not corroborate the allegation as alleged in the F.I.R.

The learned counsel for the informant as well as the



learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to rebut the submission of the learned counsel for the petitioner that after investigation, police has found the case to be true under Section 306 of the I.P.C. and the CCTV footage of the occurrence does not corroborate with the allegation as alleged in the F.I.R.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Laheriasarai P. S. Case No.187 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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