

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68531 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

SANJAY SAH Son of Late Narayan Sah Resident of Village - Ramtola,
Kothiya, P.S.- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Advocate
For the Informant	:	Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-04-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 365, 367, 120B and 302 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.06.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that when his sons Ashok and Bablu were
returning after seeing the *jalkar*, they were assaulted and
kidnapped by Balvir, Dharmveer and 15 unknown accused, after
search Bablu was recovered who disclosed that Sikandar Sahni's



sons, his wife, granddaughter along with other named accused persons, including the petitioner, kidnapped and killed the deceased.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would manifest that it was Bablu who disclosed that the petitioner along with named accused persons had kidnapped his brother, who was killed subsequently. It is further submitted that the entire allegation hinges around suspicion, neither the informant nor Bablu are eye-witnesses to the murder. Learned counsel further submits that neither Bablu nor the informant or his family members made any endeavor before the superior authorities for getting the statement of Bablu recorded, it seems that since the entire family members of Sikandar Sahni were implicated in the present case and Bablu was aware of the fact and as such no endeavour was made to get his statement recorded or else he would have disclosed the truth about the occurrence.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for bail of the petitioner but are not able to meet the submissions of the learned counsel for the



petitioner with respect to non-recording of statement of Bablu and also that they were not the eye-witnesses to the occurrence and the allegation hinges around suspicion.

Considering the fact that the petitioner is in custody since 06.06.2021, is a person with clean antecedent charge-sheet has been submitted in the case, the allegation hinges around suspicion and the informant and Bablu are not the eye-witnesses to the occurrence of murder, 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 the learned court below where the case is pending/successor court in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021.

(Satyavrat Verma, J)

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