

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.407 of 2022**

Arising Out of PS. Case No.-351 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. AJAY SAH Son of Prem Chand Sah Resident of Village- Purab Pokhara, Bhabua, Ward No. 25, P.S.- Bhabua, District- Kaimur at Bhabua.
2. Bikki Sah @ Vikki Sah Son of Prem Chand Sah Resident of Village- Purab Pokhara, Bhabua, Ward No. 25, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      30-03-2022      Heard learned counsel for the petitioners and learned APP  
for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Bhabua (Sonhan) P.S. Case No. 351 of 2020, (S. Tr. No. 71/2020) registered under Sections 302, 201 and 34 of the Indian Penal Code.

Petitioners have been in custody since 22.06.2020. As per the FIR, dead body has been recovered in a plastic bag. The petitioners have been implicated subsequently at the stage of



trial.

Learned counsel for the petitioners submits that their implication is solely based on suspicion and that there is no material collected in the course of investigation, that even suggests the petitioners' involvement. The petitioners are having no criminal antecedents as per statement made in paragraph 3 of the application.

The petitioners' prayer for bail was earlier rejected under order dated 06.01.2021 passed in Cr. Misc. No. 30426/2020.

Further, it appears that Cr. Misc. No. 41149/2021 was filed which was disposed of for enabling the petitioners to renew their prayer before the court of learned A.D.J. XI, Kaimur at Bhabua.

This is the third application for bail on behalf of the petitioners.

Learned APP, after going through the case diary, has submitted that from the underground room of petitioners' house, one wooden stick and an iron rod have been recovered which as per the investigation are the weapons of assault leading to the victim's demise. On specific query made by the Court, whether there is any basis in the investigation to suggest as to how it is this wooden stick or iron rod which has been used in the



occurrence; he suggests that there is no such material neither the recovered assault weapons has been found to be blood strained nor there is any material to connect the said material with the assault.

The Court, having regard to the aforesaid material collected during the course of investigation, period of custody and clean antecedent of the petitioners, had directed for submission of the report regarding the stage of trial. Report dated 02.03.2022 from the trial clarifies that only two witnesses have been examined out of nine charge-sheeted witnesses.

Having regard to the aforesaid facts and circumstances of the case, prayer for bail is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-XI, Kaimur at Bhabua in Bhabua (Sonhan) P.S. Case No. 351 of 2020, (S. Tr. No. 71/2020), subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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