

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8822 of 2023

Arising Out of PS. Case No.-448 Year-2020 Thana- MAJHAULIA District- West Champaran

Shimpu Sah @ Varun Sharraf @ Shimpu Sahni, Son of Mohan Sah, Resident of village- Purvi, Banuchhapar, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and learned APP for the State.

This is the second attempt wherein the petitioner seeks regular bail, who is in custody in connection with Majhauria P.S. Case No. 448 of 2020 registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected vide order dated 29.08.2022 passed in Cr. Misc. No.



20484 of 2022 after taking into consideration the fact that the dead body of the deceased was disposed of by using Creta SUV vehicle of the petitioner wherein the blood stains was also found and further in order to conceal the crime and screen the offenders removed the number plate of the vehicle, in question, apart from other materials. However, while rejecting the prayer for bail, liberty was granted to the petitioner to renew his prayer for bail after four months taking into consideration the fact that similarly situated person, namely, Sanwar Khan, against whom there was similar allegation, has already been allowed the privilege of bail by the learned coordinate Bench of this Court in Cr. Misc. No. 1864 of 2021, vide order dated 20.05.2021.

It is submitted at the bar that various other co-accused persons, having found involved in this case, have already been allowed bail by different learned coordinate Benches of this Court.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons, having identical allegation, have been allowed bail by the learned coordinate Benches of this Court and even the



allegation levelled against the petitioner has taken in its entirety constitute a case under Section 201 of the I.P.C., apart from the observation made by this Court in the earlier order dated 29.08.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, West Champaran, Bettiah in connection with Sessions Trial No. 537 of 2021, arising out of Majhaulia P.S. Case No. 448 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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