

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9115 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- ISUAPUR District- Saran

Arjun Sah @ Mukul Sah Son of Triloki Sah Resident of Village- Bishunpura,
P.S.- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Chandra, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Vipin Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard Mr. Krishna Chandra, learned counsel for the petitioner, Mr. Bindhyachal Singh, learned senior counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since 21.08.2022 in connection with Sessions Trial No. 726 of 2022 arising out of Isuapur P.S. Case No. 189 of 2022, F.I.R. dated 20.08.2022 for the offences punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

According to prosecution case, this petitioner along



with other accused persons have killed the husband of the informant and threw his dead body due to some money dispute.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that in fact, the informant is not the eye witness of the alleged occurrence and the name of the petitioner has been transpired during investigation on the basis of the fact that the petitioner and other accused persons have committed murder of the husband of the informant. He further submits that the statement of the co-accused, namely, Vijay Singh was recorded in which he has categorically stated that the co-accused, Arjun Kushwaha had killed the deceased and at best the role of the petitioner is only to help the accused persons in disposing of the dead body of the deceased. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Saran in connection with Sessions Trial No. 726 of 2022 arising out of Isuapur P.S. Case No. 189 of 2022 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

