

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15041 of 2023**

Arising Out of PS. Case No.-734 Year-2022 Thana- BETTIAH CITY District- West
Champaran

SUNIL SAH Son of Shiv Kumar R/o Bengali Colony, P.S- Bettiah (Town)
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 3 19-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases.
4. The informant alleges that the accused persons
including the petitioner came to the shop of her husband and
took him towards leather factory and assaulted him and
thereafter brought him to the hospital in an unconscious state
and he died during the course of treatment.
5. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is



further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eyewitness to the occurrence. It is next submitted that if the husband of the petitioner had any fear of the accused persons including the petitioner then he would not have accompanied them.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner has antecedent of six cases and the informant specifically alleges that he along with other accused persons came and took him from the shop towards leather factory and thereafter he was brought in an unconscious state leading to his death on account of assault. Learned counsel for the petitioner at this stage draws the attention of the Court to Annexure-2 to the anticipatory bail application to submit that the Doctor has opined that the death of the deceased took place on account of cardio pulmonary arrest. It is further submitted that even the injury report does not record about any external or internal injury.

7. Learned counsel for the petitioner further rebuts the submission of the learned A.P.P. and submits that the petitioner will not abscond rather will cooperate in the investigation and present himself as and when required by the investigating



officer of the case for eliciting the truth. It is further submitted that had the petitioner been involved in the occurrence then definitely he along with other accused persons would not have brought the deceased in an unconscious state and admitted him in the hospital. The learned counsel further submits that no doubt criminal antecedent is a relevant factor for considering anticipatory or regular bail but then the same should not be the only factor for considering the bail of an accused rather the allegations should also be appreciated and taken into consideration, the Court concurs with the submission of the learned counsel for the petitioner.

8. 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, be released on anticipatory bail on furnishing bail bonds 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 Bettiah (Town) P.S. Case No. 734 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating



officer of the case files an application bringing to the notice of the learned court below that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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