

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37654 of 2023

Arising Out of PS. Case No.-474 Year-2022 Thana- SIKARPUR District- West Champaran

SAHEB SAH @ ACHHELAL PRASAD @ AKSHAY LAL PRASAD Son of
Late Deba Sah Resident of village - Bargajwa, P.S. - Shikarpur, Distt. - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bashishtha Narayan Mishra, Adv. Mr. Sachida Nand Rai, Adv. Mr. Brij Kishor Mishra
For the Opposite Party/s	:	Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case instituted
for the offence under Sections 365 and 120(B) of the Indian
Penal Code and Charge sheet has been submitted u/s 365, 302,
201, 120(B)/34 of the Indian Penal Code.

As per allegation in the FIR, on 6.6.2022 a call was
received by elder brother of the informant in which accused
persons have called him to Bhawanipur immediately. Thereafter,
he proceeded by Honda SP 125 Shine motorcycle from his
house after giving information to his wife that he will be back
till evening. He did not return till next date then a search was



made by his family members but they could not trace either his brother or the motorcycle then the present FIR was lodged against the accused persons.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Mobile number from which call was made to the deceased does not belong to the petitioner. No one is the eye witness of the alleged occurrence. Save and except confessional statement of co-accused Lal Babu Kumar and Akhilesh Kumar in which they have taken the name of the petitioner, nothing has come against the petitioner. During investigation, no consistent material has come to show his involvement of the petitioner in the present case. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 24.02.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM,



Bettiah, West Champaran in connection with Shikarpur P.S.
Case No. 474 of 2022.

(Sunil Kumar Panwar, J)

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