

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39397 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- DALSINGHSARAI District- Samastipur

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LAL BABU SINGH @ Lalu Son Of Shankar Mahto R/O Village- Taraspur,  
P.S.- Dalsinghsarai, Distict- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

**CRIMINAL MISCELLANEOUS No. 40755 of 2022**

Arising Out of PS. Case No.-21 Year-2021 Thana- DALSINGHSARAI District- Samastipur

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SANJAY SAH Son of Late Jogi Sah Resident of village - Malpur, P.S. -  
Dalsingh Sarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 39397 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 40755 of 2022)

For the Petitioner/s : Mr.Surya Narayan Roy

For the Opposite Party/s : Mr.Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**

ORAL ORDER

5      14-02-2023                      Heard Ld. counsel for the petitioners and Ld. APP  
  
for the State.

The petitioners seek bail in connection with



Dalsinghsarai P.S. Case No. 21 of 2021, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as emerges from the FIR is that when the father of the informant was on way to his house after closing Flour Mill, some unknown persons fired at his head, due to which he died.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that case has been lodged against unknown persons and name of the petitioners transpired only in the confessional statement of co-accused and there is no connecting material to show the involvement of the petitioners in the alleged crime. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 05.04.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioners, namely, Lal Babu Singh and Sanjay Sah have earlier been made accused in one and two other cases respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-I, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P.S. Case No. 21 of 2021, **after framing of charge, if not already framed** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the  
certified copy of this order only after removal of office  
objections.

**(Jitendra Kumar, J)**

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