

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41693 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- KATEYA District- Gopalganj

1. SHIONATH SAH @ SHEONATH KHATIK Son of Ram Chandra Sah
Resident of village - Koisa Khurd, P.s. - Kateya, District- Gopalganj.
2. Surendra Sah Son of Ram Chandra Sah Resident of village - Koisa Khurd,
P.s. - Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rana Bhupendra Narayan Singh
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1
For the Informant	:	Mr.Dhananjay Kumar Upadhyay

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Kateya
P.S. Case No. 75/2022, corresponding to G.R. No.592/2022
registered for the offences punishable under Sections
302,120(B)/34 of the Indian Penal Code.

As per prosecution case, it is alleged that the
petitioner and other have concertedly committed the murder of
informant's nephew and threw his dead body in Banswari.

Learned counsel for the petitioner submits that



petitioners are innocent and have falsely been implicated in this case merely on suspicion and enmity due to land dispute. The petitioners are languishing in custody since 22.02.2022. The petitioner no.1 bears criminal antecedent of three cases in which he has been acquitted in one case and petitioner no.2 bears criminal antecedent of two cases. No incriminating articles has been recovered from the possession of the petitioners. He further submits that except suspicion, there is no tangible evidence against the petitioners and there is no eye witness to the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IXth, Gopalganj in Sessions Trial No.242/2022 in connection with Kateya P.S. Case No. 75/2022, corresponding to G.R. No.592/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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