

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44539 of 2022

Arising Out of PS. Case No.-527 Year-2021 Thana- JOGAPATTI District- West Champaran

1. Jokhu Sah Son of Fita Sah R/O Village- Darwaliya, P.S.- Yogapatti, District- West Champaran
2. Harihar Sah Son of Fita Sah R/O Village- Darwaliya, P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra
For the State	:	Mr. Upendra Kumar
For the Informant	:	Mr. Sanjiv Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 28-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Yogapatti P. S. Case No. 527 of 2021, registered for the
offences punishable under Sections 328, 302, 201 and 34 of
the Indian Penal Code.

The prosecution case as emerges from the F.I.R. is



that the marriage of the informant's daughter, namely, Poonam Devi was solemnized with Nand Lal Sah according to Hindu rites and customs about 15 years ago. It is further alleged that the informant received telephonic information on 07.12.2021 that the petitioners and his associates killed his daughter by assaulting her by fists and slaps and also administering her poison.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation against the petitioners is general and omnibus. He also submits that the petitioners are not the husband of the deceased. He further submits that the cause of death is not ascertained by the post-mortem report; viscera has been preserved and sent for Forensic Science Laboratory for chemical examination and the report is awaited. He also refers to the statement of ten years daughter of the deceased, as per which, the deceased had consumed rat killing poison on account of altercation with her husband.

He further submits that the petitioners have been



languishing in jail since 05.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

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. Smt. Rupa Raj, Judicial Magistrate 1st Class, Bettiah, West Champaran, in connection with Yogapatti P. S. Case No. 527 of 2021, 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 get hampered 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 them 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 any criminal antecedents, 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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