

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48308 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- ADHAOURA District- Kaimur (Bhabua)

Om Prakash Sah @ Dablu Son Of Lal Bihari Dah Resident Of Village-
Badiha, P.S- Adhaura, Distt- Kaimur (BHABHUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Alka Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.05.2023 in connection with Adhaura P.S. Case No.27 of
2023, F.I.R. dated 15.05.2023 for the offences punishable under
Sections 302/379/34 of the Indian Penal Code.

3. In the F.I.R., the informant has alleged that on
14.05.2023, his sister informed him that his father namely Lal
Bihari Sah and his two step brothers namely Om Prakash Sah
(petitioner) and Nagendra Sah have killed his mother and they
also cremated dead-body of his mother, even in absence of
informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and as per allegation in the FIR, the petitioner and co-accused person alleged to have killed the informant's mother, who is step-mother of the petitioner. Further submits that it has come during investigation that the co-accused person, namely, Lal Bihari Sah, who is father of the petitioner, has categorically stated that he has committed the murder of his wife and the co-accused person, namely, Nagendra Sah, who is brother of the petitioner against whom the similar set of allegation, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 04.09.2023 passed in Cr. Misc. No.56637 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in judicial custody since 15.05.2023.

5. Learned counsel for the informant and learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has committed the murder of his step-



mother.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhabhua, Kaimur in connection with Adhaura P.S. Case No.27 of 2023, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

III. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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