

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47108 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- ANDHRATHARHI District- Madhubani

1. RAM SAGAR SAH Son of Late Chathu Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
2. Sant Lal Sah Son of Ram Sagar Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
3. Ram Chandar Sah Son of Late Chathu Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
4. Kari Devi wife of Ramsagar Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
5. Sudhira Devi wife of Shyam Mohan Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
6. Arti Devi wife of Lalit Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.
7. Sangita Kumari wife of Sant Lal Sah Resident of Village - Mangrauna, P.S.- Andhrathadhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47540 of 2022

Arising Out of PS. Case No.-128 Year-2021 Thana- ANDHRATHARHI District- Madhubani

NASIB LAL SAH S/o Domu Sah R/o village- Mangrauna, P.S.- Andhrathadhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47108 of 2022)

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

(In CRIMINAL MISCELLANEOUS No. 47540 of 2022)

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

3 16-01-2023 Heard both sides.

As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

The petitioners apprehend their arrest in connection with Andhratharhi P.S. Case No.128 of 2021, registered for the offences punishable under Sections 147, 341, 342, 447 and 302 of the Indian Penal Code.

The prosecution case, in brief, is that on 26.11.2021, the accused persons including the petitioners took the son of the informant, namely, Vikash Thakur to orchard where they killed him by hanging. During the search, the informant reached the orchard where he saw the dead body of his son hanging from a tree.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedents as stated in paragraph-3 of the bail petitions. It is further submitted that no specific overt act is alleged against the petitioners. It is submitted that there is no eye witness of the occurrence. The independent witnesses have



not supported the prosecution case, which is clear from the statements of the independent witnesses mentioned in paragraphs 57 and 58 of the case diary. It is submitted that the death of the deceased was due to asphyxia caused by strangulation.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Considering the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jhanjharpur, District Madhubani in connection with Andhratharhi P.S. Case No.128 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

S.KUMAR/-

U		T	
---	--	---	--

