

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52038 of 2023

Arising Out of PS. Case No.-432 Year-2022 Thana- DINARA District- Rohtas

Vijay Sah @ Vijay Shankar Sah Son Of Late Halkhori Sah R/O-Daidaha, P.S.-
DINARA, Distt.-ROHTAS At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 20.03.2023, in connection with Dinara (Bhanas) P.S. Case No. 432 of 2022, F.I.R. dated 20.11.2022 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code, Section 27 of the Arms Act and later on Section 120(B) of the Indian Penal Code was added.

3. Allegation against the petitioner is that he along with co-accused persons surrounded the father of the informant and co-accused Ramakant Sah fired two shot by his pistol on the chest of his father due to which he fell down from his motorcycle and the mother of the informant any how managed a the Maruti Car and taken away to Kochas Hospital where his



father declared dead.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that there is specific allegation of firing against co-accused Ramakant Shah and at best petitioner was accompanied with the other co-accused person and there is no specific accusation of any assault or overt act attributed against the petitioner. He further submits that the similarly situated co-accused, namely, Baban Sah, has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 23.05.2023 passed in Cr. Misc. No. 25291 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned A.C.J.M. II, Rohtas at Sasaram in connection with Dinara (Bhanas) P.S. Case No. 432 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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