

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53248 of 2023

Arising Out of PS. Case No.-53 Year-2021 Thana- BELA District- Sitamarhi

1. SATRUGHAN PARSAD @ SATRUGHAN SAH @ SATRUDHAN SAH
@ SATRUDHAN PRASAD SAH SON OF LATE RAM ASHISH SAH.
2. KAMESHWAR SAH SON OF LATE BHOLA SAH, RESIDENT OF
VILLAGE VISHUNUPUR TOLE TELIYAH, P.S. BELA, DISTRICT
SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection
with Bela P.S. Case No. 53 of 2021 registered under
Sections 302, 120(B)/34 of the Indian Penal Code lodged
and Section 27 of the Arms Act lodged on 27.03.2021 by
the informant, Natin Kumar Sah.

As per the prosecution story, the allegation is that
the accused persons with whom they were having land
dispute conspired and killed the informant's brother,
namely, Narendra Kumar. Accordingly, the FIR.

It is the case of the petitioner that the police



investigated the matter and submitted final form against the accused persons whereas the charge sheet was submitted against Gautam Yadav @ Gautam Kumar Yadav @ Gautam Kumar Yadav @ Gautam Rai. However, the Court took cognizance in the matter. The Petitioner no. 1 is 84 years old and petitioner no. 2 is also an aged person. Both of them do not have criminal antecedent. They are in custody since 17.05.2023 (as stated in paragraph 15 of the petition).

Further submission is that the said charge sheeted accused , Gautam Yadav @ Gautam Kumar Yadav @Gautam Rai has since been extended the privilege of bail vide order dated 08.02.2023 passed in Cr. Misc. No. 60672 of 2022 and Raushan Kumar against whom final form was submitted has also been granted bail in Cr. Misc. No. 68932 of 2021 vide order dated 18.10.2022.

Let the same be kept on record.

Learned APP for the State opposes the prayer for bail stating therein that cause of killing is land dispute.

Considering the submission put forward by the learned counsel for the petitioner, final form submitted against them, subsequently cognizance taken, FIR lodged,



they will be diligently appearing in the trial and in view of the fact stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ-XII, Sitamarhi in connection with Bela P.S. Case No. 53 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take



steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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