

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52915 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- JANTA BAZAR District- Saran

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DURGESH SAH @ GAPU SAH @ GAPU Son of Late Nagendra Sah
Resident of village - Dandaspur Tole Nawka Bazar, P.S.- Janta Bazar, District
- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2023 Learned counsel for the petitioner is permitted to

remove the defect (s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the

offence under Sections 302,34 of IPC.

Allegation against the co-accused persons including

the petitioner is of pressing the neck of the sister of the

informant as a result of which she died.

Learned counsel appearing for the petitioner submits

that the petitioner has clean antecedent. He has falsely been

implicated in the present case. He further submits that the



allegation as alleged in the FIR is false and fabricated. No such occurrence took place. In fact the deceased had committed suicide herself and the informant is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR does not support the allegation against the petitioner and the police, after investigation, submitted chargesheet against the petitioner under Sections 306 and 34 of the IPC and the petitioner is in custody since 06.06.2022.

Considering the aforesaid fact, 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 learned court below where the case is pending in connection with Janta Bazar P.S.Case No.68 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.



(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 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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