

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61446 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- PHENHARA District- East Champaran

DAMODAR SAH SON OF BHAGRIT SAH RESIDENT OF VILLAGE -
PATKHAULIYA, P.S. - CHIRAIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Fenhara P.S. Case No. 41 of 2023 dated 22.03.2023 registered for the offences punishable u/s 302 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's son had gone to village Parsauni in a *barat party*, where petitioner and the co-accused persons murdered him under conspiracy on account of previous enmity. They also brought the dead body of the informant's son from pickup vehicle to his village and burnt the same with a view to disappear evidence and threatened the informant to kill if he would lodge case in the thana.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. It is further submitted that there is a delay of 40 days in lodging the FIR from the date of occurrence. There is no eye witness of the case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.06.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with Fenhara P.S. Case No. 41 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Alok Verma/-

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