

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69567 of 2023

Arising Out of PS. Case No.-849 Year-2020 Thana- FORBESGANJ District- Araria

RAKESH SAH @ RAKESH KUMAR SAH @ RAKESH KUMAR S/O
JAGESHWAR SAH VILLAGE- AURAHI, SIMRAHA, WARD NO. 02, PS.
FORBESGANJ, DIST. ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Forbesganj (Simraha) P.S. Case No. 849 of 2020 registered on 05.10.2020 lodged under Sections 306 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged against two named accused persons including the petitioner.

4. Counsel for the petitioner submit that the allegation against the petitioner is that he entered into marriage with the wife of the informant's brother and started living together due to which the informant's brother consumed poison and subsequently died during the treatment.

5. Counsel further submits that petitioner is innocent



and has committed no offence. He further submits that the cause of death is already stated in the F.I.R. i.e. by consuming poison and petitioner is in custody since 03.07.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail and submits that offence has been lodged under Section 306 and the main instigator is the petitioner. As such, the petitioner may not be granted bail

7. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge charge has not been framed till date.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Araria in connection with Forbesganj (Simraha) P.S. Case No. 849 of 2020 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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