

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68597 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- KURSAKANTA District- Araria

Nikku Sah S/O- Nand Lal Sah Village Khesrail Ward No 08 P S Kursakanta
Distt Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 321 of 2023 arising out of Kursakanta P.S. Case No.
157 of 2021 dated 10.08.2021, lodged under Sections 304,
120(B)/ 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner that the other co-accused who is said to be a “*jhola*
chhap doctor” has injected injection to informant’s daughter, in
result she died.

4. Learned counsel for the petitioner submits that the
specific allegation is against the other co-accused that he has
injected injection to the daughter of the informant. Counsel

submits that the present petitioner is son of the said co-accused person and only with a view to create pressure on them, his name has also been inserted in this case. Counsel also submits that the antecedent of the petitioner is clean and he is in custody since 23.01.2023.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that it is true from the contents of the F.I.R. that injection has been given by the co-accused, namely, Nandlal Sah and not by the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- IInd, Araria in connection with S.T. No. 321 of 2023 arising out of Kursakanta P.S. Case No. 157 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(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.

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

(Dr. Anshuman, J.)

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