

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67834 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- PATORI District- Samastipur

1. Sanjay Sah, Son of Shiv Balak Sah, R/O Village- Bidgama, P.S.- Patory, Distirct- Samastipur.
2. Nandu Sah, Son of Sanjay Sah, R/O Village- Bidgama, P.S.- Patory, Distirct- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP
For the Informant	:	Mr. Pramod Kumar Singh, Advocate
		Mr. Pravin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioners, Mr. Pramod Kumar Singh, learned counsel for the informant and the learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Patori P.S. Case No. 223 of 2022 registered for the offences punishable under Sections 302, 201 / 34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant, alleging therein, that on 08.06.2022, the son of



the informant had gone to his *sasural* to bring his wife back to the matrimonial home. On 11.06.2022, the informant came to know that his son has been killed and his body has been thrown in a sack. Later on from the sources, he learnt that all the accused persons have killed his son and thrown his dead body.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it would be evident that the deceased is non-else, but the son-in-law of the petitioners and the prosecution story appears to be improbable that the petitioners being father-in-law and brother-in-law committed the murder of their own son/brother -in-law and, thereafter, in order to conceal the evidence, they thrown the dead body in a sack. During the course of investigation, it has not come that soon before the occurrence the deceased was found in the house of the petitioners nor there is any eyewitness to the alleged occurrence. He further submits that the post mortem was conducted on 12.06.2022 and the time elapsed since death was within 3-4 days. He lastly submits that there is no other materials collected during the course of investigation, suggesting the complicity of the petitioners and more so, they are in custody since 13.06.2022, having fair antecedent.

On the other hand, learned counsel for the informant



vehemently opposes the bail application and submits that the deceased went to the house of the petitioners and since then he was traceless and his dead body was found, hence complicity of the petitioners cannot be denied.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners being father-in-law and brother-in-law of the deceased, having fair antecedent, are in custody since 13.06.2022 and there is no eyewitness to the alleged occurrence, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patori P.S. Case No. 223 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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