

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- KOTWA District- East Champaran

BHAGELU SAH S/O LATE RIKHAI SAH R/v- Dhawahi, Ward No. 11, P.S.-
Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
19.08.2022 in connection with Kotwa P.S. Case No. 333 of
2022, F.I.R. dated 18.08.2022 registered for the offence
punishable under Sections 363,302,34 of the Indian Penal
Code.

3. Allegation against the petitioner is that he
alongwith co-accused, namely, Lalmati Devi kidnapped the
mother-in-law of the informant and killed her mother-in-law.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case merely on the basis of suspicion. Informant is not the eye witness of the alleged occurrence, merely on the basis of suspicion, the petitioner has been falsely implicated in the present case and no reason was assigned in the FIR against the petitioner and it has come during investigation that the petitioner and other co-accused person have administered poison to the mother-in-law of the informant. Learned counsel for the petitioner submits that as per allegation in the FIR the petitioner alongwith co-accused, namely, Lalmati Devi have proceeded towards her maternal house to the mother-in-law of the informant and there was no antemortem injury was found on the person of the deceased and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.08.2022.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in paragraphs-28 and 29 of the case diary that the petitioner and co-accused, namely, Lalmati Devi have administered poison to the mother-in-law of the informant and the F.S.L. report also confirms that the



cause of death of the deceased is due to administer poison and charge has been framed against the petitioner.

6. Considering the aforesaid facts and period of custody, 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 Additional Chief Judicial Magistrate-X, Motihari, East Champaran, in connection with Kotwa P.S. Case No. 333 of 2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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