

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25950 of 2024

Arising Out of PS. Case No.-507 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

1. Santosh Sah @ Santosh Kumar Sah Son of Julum Sah R/o Imali Ward No. 10 P.S. Munger, Distt.- Khagaria
2. Babloo Kumar Son of Anil Kumar Sah R/o Imali Ward No. 10 P.S. Munger, Distt.- Khagaria
3. Lalan Kumar @ Lalan Kumar Sah Son of Julum Sah R/o Imali Ward No. 10 P.S. Munger, Distt.- Khagaria
4. Mamta Kumari Wife of Santosh Sah @ Santosh Kumar Sah R/o Imali Ward No. 10 P.S. Munger, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the State : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2024 Heard Mr. Sabal Kumar Jha, learned counsel for the petitioners and Mr. Dinesh Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Begusarai Town P.S. Case No. 507 of 2023, F.I.R. dated 08.08.2023 for the offences punishable under Sections 304 and 34 of the Indian Penal Code.

3. According to prosecution case, the petitioners called the informant's son to his *dera* to return the money which the petitioner no.1 had taken on the occasion of his niece



marriage. It is alleged that the petitioners under conspiracy are said to have assaulted to the son of the informant due to which he became unconscious and during the treatment he died.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. He further submits that from a bare perusal of the complaint petition it appears that date of occurrence as alleged in the complaint petition is between 12.06.2023 to 14.06.2023 but the present complaint petition filed on 17.07.2023 after delay of about 35 days without giving any explanation of delay after thought only to falsely implicate the petitioners in the present case. He further submits that from a bare perusal of the complaint petition it appears that the complainant himself stated in the present complaint petition that his son came with unconscious condition and complainant took him to the hospital and during the treatment he died but without informing the police and without the post-mortem report, the dead body of the son of the complainant was disposed of.

5. Learned Additional Public Prosecutor for the State,



on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts that the petitioners have clean antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 507 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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