

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49112 of 2024**

Arising Out of PS. Case No.-991 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Sanjay Sah @ Sanjay Kumar Gupta, Son of Gulabchand Sah, resident of
Village- Pakhnaha, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 21-09-2024 Heard Mr. Sanjay Kumar, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Motipur P.S. Case No. 991 of 2018
registered for the offences punishable under Sections
363/364/34 of the Indian Penal Code. Later on, Sections
302/120B of the Indian Penal Code has been added.

3. Based upon the written report, the prosecution
alleges that on 09.11.2018, the son of the informant Ranjan Sah
went to his in-laws house, but he did not return. It is alleged that
on 08.11.2018, he was being threatened by one Balendra Sah.
Subsequently, the informant came to know that her son
conveyed one Krishna Sah that he is going to his in-laws house.
Suspicion has been raised that Balendra Sah along with co-



accused Rinku Devi, Sushila Devi, parents of co-accused Sushila Devi and other accused persons have killed the son of the informant.

4. Learned Advocate for the petitioner contended that the petitioner is not named in the F.I.R., however, during the course of investigation, the name of the petitioner has transpired on the disclosure made by co-accused Balendra Sah. It is further submitted that the narratives made in the F.I.R. clearly suggests that the deceased left the house on 09.11.2018, whereas the written report was submitted on 12.11.2018. The dead body of the victim was recovered on 15.11.2018. So far as the petitioner is concerned, he happens to be the son-in-law of the informant and only on account of disclosure made by co-accused Balendra Sah his name has been implicated. Apart from the disclosure, there is no material suggesting the complicity of the petitioner in the crime. It is lastly contended that so far Balendra Sah is concerned, he was allowed the privilege of bail by the learned Coordinate Bench of this Court in Cr. Misc. No. 69353 of 2019 vide order dated 17.06.2020, but later on he was convicted by the trial court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



person, who has already been convicted, disclosed the name of the petitioner, as one of the accomplice.

6. Regard being had to the submission made on behalf of the parties and considering the fact that the entire case is based upon the confessional statement of co-accused Balendra Sah, coupled with the fact that there is no other material connecting the petitioner in the present; the petitioner is not named in the F.I.R. and there is no other material suggesting the involvement of the petitioner, moreover the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Muzaffarpur (East) in connection with Motipur P.S. Case No. 991 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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