

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54015 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- ADAPUR District- East Champaran

Sanjay Sah @ Raja Babu Son of Late Lal Babu Sah R/o-Village- Beldrwa,
P.S.- Adapur, Distt.-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Adapur P.S. Case No. 141 of 2022 registered for the offences punishable under Sections 328, 302/34 of the Indian Penal Code. He is in custody since 22.05.2024. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the informant has alleged that she received information on phone that her daughter, who was married to Vijay Sah, was assaulted by her mother-in-law and others and was ousted from the house. It is alleged that when she went there, she did not find her daughter but she found the dead body of her maternal grand-son (*nati*), aged about eight years, lying on the *chauki*.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that there is no eyewitness to the occurrence and there is no FSL report showing that the deceased was subjected to poisoning. It is further submitted that the other co-accused, namely, Sumanti Devi has already been granted bail by this Court in Cr. Misc. No. 50518 of 2022.

4. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

5. Having regard to the submission that the allegation of committing murder of the son of the daughter of the informant by poisoning him have been made against this petitioner and the grandmother of the deceased who is co-accused in this case namely Sumanti Devi but said Sumanti Devi has already been granted bail in Cr. Misc. No. 50518 of 2022, there is no FSL report showing that the deceased was subjected to poisoning, the petitioner has remained in jail since 22.05.2024 and the investigation is complete, the plea of parity has not been contested by learned APP for the State, hence this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the

satisfaction of learned Judicial Magistrate 1st Class, Raxaul at Motihari, East Champaran in connection with Adapur P.S. Case No. 141 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

6. 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 steps 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.

7. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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