

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3135 of 2025

Arising Out of PS. Case No.-270 Year-2024 Thana- NAUTAN District- West Champaran

Mukesh Sah S/o Rajeshwar sah R/o Vill.-Shivrajpur, P.S.- Nautan, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Nutan P.S. Case No. 270 of 2024 registered for the offences under Sections 103(1), 238, 3(5) of BNS.

3. The allegation as per the FIR is that the informant's daughter was married to Mukesh Sah (petitioner) on 25.09.2023. The informant stated that on 23.07.2024 his daughter was killed and her dead body was disposed of by using someone's tractor and had named the family members of the present petitioner as accused. The informant himself has stated in the FIR that the petitioner was living in another State, however, it has been alleged that all the accused persons had



connived together and had killed his daughter and there was a consent of the petitioner in the said incident.

4. The learned counsel for the petitioner submits that the petitioner admittedly, was not present at the place of occurrence on the alleged date of incident and from mere reading of the FIR, it is evident that the only allegation against the petitioner is that there was a consent of the petitioner in killing of the informant's daughter. Learned counsel further submits that there is no eye witness to the occurrence and admittedly the informant was informed about the death of his daughter and the informant has also admitted that the petitioner had called on his mobile phone informing about the death of his wife (daughter of the informant). The learned counsel has further stated that even if we accept the statement of the driver of the tractor during the course of investigation, it is evident that it has been alleged by the said driver that the family members of the petitioner had forced the driver to take the body away. The said driver of the tractor has also stated that the family members of the petitioner namely Rajeshwar Sah, Jangbahadur Sah, Sangita Devi, Bhola Sah and Sanjay Sah were present there and as such, there is nothing against the petitioner to connect with the present occurrence. It is lastly submitted that the



petitioner has clean antecedent and he is in custody since 09.09.2024.

5. Learned counsel for the Informant has opposed the prayer for regular bail and has stated that petitioner being husband of the daughter of the informant was said to have been involved in the killing of his wife in connivance with other family members. Learned counsel for the informant has also stated that the very conduct of the family members and their act of disposing of the body suspiciously using a tractor and trying to hide the body itself raises doubt over the manner in which the death of the wife of the petitioner occurred. The learned counsel has also referred to the statement of the driver Govind Kumar, and has also pointed out towards his confession wherein he has stated that he was forced to carry the dead body on his tractor by the accused persons.

6. The learned APP for the State adopts the arguments forwarded by the learned counsel for the informant.

7. Considering the aforesaid submissions made by the parties and taking into account the fact that the



petitioner though was named in the FIR, however, from the plain reading of the FIR nothing has been alleged against the petitioner barring the statement that he had given consent for the said occurrence and also taking note of the fact that the post mortem report suggests that the death was caused due to hanging and considering the period of custody, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bettiah West Champaran in connection with Nautan P.S. Case No. 270 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. 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.

(Sourendra Pandey, J)

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