

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10356 of 2025

Arising Out of PS. Case No.-303 Year-2021 Thana- SURSAND District- Sitamarhi

Kamlesh Sah son of Rajaram Sah R/O VILL-SURSAND WARD NO-2,
(NOW WARD NO-14), PO AND PS-SURSAND, DIST-SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Sursand P.S. Case No. 303/2021 registered for the offences
under Section 302/34 I.P.C.

3. As per the prosecution case, the brother of the
informant was alleged to have been murdered by unknown
persons and hence, FIR was lodged against unknown.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case because his name has surfaced during the course of
investigation when the C.D.R. of a co-accused namely Avinash
Kumar was examined and it was found that the petitioner was in
contact with Avinash Kumar prior to the date of occurrence as



well as on the date of occurrence and hence, he was made an accused. Learned counsel further submits that there is no eye witness to the alleged occurrence and even during the course of investigation, except the statement of co-accused there is nothing against the petitioner to show his complicity in the said incident. Learned counsel further submits that the co-accused Avinash Kumar on whose confessional statement the name of the petitioner has surfaced has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Misc. No. 71975/2021 which is annexed as Annexure 'P/2'. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 19.11.2024.

5. Learned counsel for the State has opposed the prayer for bail of the petitioner and submits that during the course of investigation, the name of the petitioner has surfaced and it was found that he was involved in the murder of the informant's brother.

6. Considering the aforesaid facts and circumstances of the case and taking into account that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Misc. No. 71975/2021 which is annexed as Annexure 'P/2' and also



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 S.D.J.M., Sitamarhi in connection with Sursand P.S. Case No. 303/2021 subject to the conditions :-

- 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. The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to the cancelled by the court concerned.
- e. 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 afore-
mentioned order shall not be delayed for
purpose of or in the name of verification.

(Sourendra Pandey, J)

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