

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30638 of 2025

Arising Out of PS. Case No.-308 Year-2024 Thana- MAJHAULIA District- West Champaran

BHUTI SAH Son of Rup Narayan Sah Resident of Village - Ojha Mathiya,
Ward No.- 14, Police Station - Majhauilya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the
petitioner as well as Mr. Suresh Prasad Singh, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 12.02.2025
in connection with Majhauilya P.S. Case No. 308 of 2024, F.I.R. dated
02.05.2024 for the offences punishable under Sections 302, 201,
120(b) and 34 of the Indian Penal Code.

3. According to prosecution case, the informant alleged
that on 01.05.2024, the petitioner alongwith other co-accused
persons came at his house and asked regarding his son upon which he
told that he is at old house and they went away. In the morning of
02.05.2024 the informant came to know that the body of his son is
hanging in Jamun tree. Informant expressed his suspicion that the
petitioner along with other accused persons have killed his son.

4. Learned counsel for the petitioner submits that petitioner



is innocent and he has falsely been implicated in the present case. It appears that the informant is not the eye witness of the present occurrence and even no one is the eye witness of the present occurrence and merely on the basis of suspicion the petitioner has been made accused in the present case and except the aforesaid, there is no other cogent material which suggest the involvement of petitioner in the present occurrence and similarly situated co-accused person, namely, Santosh Sah and others have been granted the privilege of anticipatory bail by this Court vide order dated 09.04.2025 in Cr.Misc.No.72820 of 2024 and the police after investigation has submitted charge-sheet. The petitioner is in custody since 12.02.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and the fact that nothing has come during investigation which suggest the involvement of the petitioner in the present crime in question and similarly situated co-accused persons have been granted the privilege of anticipatory bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhaulya P.S. Case No. 308 of 2024, subject to the following conditions:-

i. Petitioner 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 petitioner tampers 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 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.

(Rajesh Kumar Verma, J)

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