

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72820 of 2024

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

1. Bhuti Sah S/o Rup Narayan Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
2. Santosh Sah S/o Rup Narayan Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
3. Rup Narayan Sah S/o Late Bhatri Sah @ Late Bhotari Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
4. Satan Sah @ Satan Kumar S/o Chhotelal Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
5. Prem Sah S/o Chhotelal Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
6. Chhotelal Sah S/o Late Shankar Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran
7. Vakil Sah S/o Late Jalandhar Sah R/o Village- Ojha Mathiya, P.S.- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Avinash Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 09-04-2025 Heard Mr. Ajay Kumar Singh, learned counsel for the petitioners, Mr. Chandra Bhushan Prasad, learned APP for the State and Mr. Avinash Raj, learned counsel for the Informant.

2. It appears from the order dated 22.01.2025 and 22.03.2025, during the pendency of the bail petition, the bail petition with respect to petitioner nos. 1 and 6 has already been



withdrawn.

3. The petitioners (except petitioner nos. 1 and 6) are apprehending their arrest in connection with Majhauriya P.S. Case No. 308 of 2024, F.I.R. dated 02.05.2024 registered for the offences punishable under Sections 302, 201, 120B, 34 of the Indian Penal Code.

4. The prosecution case, in brief, is that on 01.05.2024 at around 9.00 O'Clock, accused persons including these petitioners arrived at the house of the Informant and started asking regarding his son, the deceased, upon which the informant told them that he is at old home and the said persons went away. In the meanwhile, some other persons also arrived including these petitioners and against asking about his son from his another son Bala. It is further stated that his son used to sleep in any one of the house as they have two houses in the village, so they did not inquire. In the morning of 02.05.2024 at 5 O'clock they came to know from the villagers that the body of his son is hanging in black-berry tree and his mouth is filled with Ganji/baniyan and he has expressed his suspicion that under the conspiracy accused persons have killed the son.

5. Learned counsel for the petitioners (except petitioner nos. 1 & 6) submit that the petitioners are innocent



and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the informant is not an eye witness of the alleged occurrence and even no one has seen the occurrence and merely on the basis of suspicion, the petitioners have been falsely implicated in the present case. He further submits that nothing has come during investigation to suggest the involvement of the petitioners (except petitioner nos. 1 & 6) in the present occurrence.

6. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners (except petitioner nos. 1 & 6) and submits that the dead body of the deceased was found and due to previous rivalry between the petitioners and the deceased, it might be that the petitioners have killed the deceased. Further submits that the petitioner no. 2 carries three more cases other than the present one, petitioner no. 3 carries five more cases other than the present one, petitioner no. 4 carries two more cases other than the present one, petitioner no. 5 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner nos. 2, 3, 4 and 5 are on bail in the pending matters and



petitioner no. 7 having clean antecedent.

7. Considering the aforesaid facts and circumstances of the case and the fact that the informant is not an eye witness of the occurrence and no one has seen the occurrence and even during investigation, no cogent material has come to suggest the involvement of the petitioners (except petitioner nos. 1 & 6) in the present occurrence, let the petitioners (except petitioner nos. 1 & 6), above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. West Champaran at Bettiah in connection with Majhauriya P.S. Case No. 308 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners (except petitioner nos. 1 & 6) 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 their absence on two consecutive dates without sufficient reason, their bail bonds



shall be cancelled by the Court below.

(2) If the petitioners (except petitioner nos. 1 & 6) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner nos. 1 & 6) and in case at any stage, it is found that the petitioners (except petitioner nos. 1 & 6) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner nos. 1 & 6). 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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