

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44560 of 2014

Arising Out of PS.Case No. -22 Year- 2014 Thana -MANSAHI District- KATIHAR

- =====
1. Sankar Sah, son of Baij Nath Sah
2. Kanchan Devi, Daughter of Sarkar Sah.
Both are residents of Teengachiya Fusiya, P.S.- Katihar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 09-03-2015 Heard the learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.

It is submitted that the FIR was lodged against unknown. During investigation, name of the petitioners has appeared as assailants. It is further submitted that there is no eye witness to the occurrence. The doctor has not found any cause of death and the Viscera has been preserved for forensic examination. The petitioners have no criminal antecedent. The petitioner no.2 is a lady. Bittu Kumar, son of the deceased has not made any allegation of assault against the petitioner no.2.

The learned counsel for the State submits that during investigation, the son of the deceased who was living with the petitioners has specifically stated that his father (deceased) was

assaulted by the maternal uncle and maternal grand father, Sankar Sah (petitioner no.1). After investigation, case has been found true and the charge sheet has already been submitted.

Considering the facts and circumstances of the case, in my opinion, the petitioner no.1 Sankar Sah does not deserve bail at this stage. His prayer is rejected.

Let the petitioner no.2 Kanchan Devi be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri Bipin Bihari Rai, Judicial Magistrate, 1st Class, Katihar in Mansahi P.S. Case No. 22 of 2014 with the following conditions :

1. One of the bailors will be the close relative of the petitioner no.2.
2. The petitioner no.2 will not indulge in similar or in any other offence.
3. The petitioner no.2 will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, her bail bond will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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