

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12423 of 2015

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

1. Ganesh Sah
2. Mahesh Kumar Sah
3. Jeetendar Sah @ Jitendra Sah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh-Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh (A.P.P.)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 01-07-2015

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

On account of recovery of dead body of unknown, on
the self-statement of Officer-in-Charge, Mansahi P. S., instant
case has been registered against unknown.

It has been submitted on behalf of petitioners that it
happens to be a case of no evidence. The family members of
deceased on account of personal grudge and vendetta put an
allegation against the petitioners including other family members
in revengeful manner. Furthermore, the brother of deceased
namely Saurav Kumar is the person, who managed the whole
affair and only to pressurize upon the petitioners as well as family
members, more particularly, wife of deceased to give up her claim
brought all those things including statement of a minor son of the

deceased after tutoring. Not only this, the statement of minor having been recorded after three months of occurrence would not justify its reliability and that being so, petitioners are entitled for bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer and submitted that father in-law, mother in-law and wife of deceased as is evident from Paragraph-23 of the case diary, came to Police Station, gone to hospital, identified the dead body that of Tony Sah, at that very moment, all of them were examined, who disclosed that after quarreling, deceased Tony Sah left the house about four days ago and was traceless. Though, no information was given to anyone. After having complained at the end of Saurav Kumar recorded under Paragraph-43, so many facts is found exposed and on the basis thereof, call details as well as tower location of deceased was traced out as is evident from Paragraphs-101, 102 of the case diary wherefrom it is evident that on the day of occurrence, deceased's presence was at her *Sasural* that happens to be a circumstance, which has been suppressed. Furthermore, son of deceased, who was residing with the petitioners, was examined by the I.O. under Paragraph-58 as well as under Section 164 Cr.P.C. under Paragraph-61 whereunder he had shown involvement of Rajesh,

Shankar and Mahesh.

At the present moment, learned counsel for the petitioners submits that the allegation of assault is not at all corroborated with the post mortem report. For the present, deep analysis is prohibited otherwise it will prejudice to the petitioners.

Taking into account the aforesaid materials, I do not see it a fit case for grant of bail to petitioner no.2, Mahesh Kumar Sah and accordingly, prayer of bail of petitioner no.2 Mahesh Kumar Sah is hereby rejected.

With regard to remaining petitioners namely **Ganesh Sah** and **Jeetendar Sah @ Jitendra Sah** each are directed to 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 Additional Sessions Judge-IV, Katihar in connection with Sessions Trial No.326 of 2014 arising out of Mansahi P. S. Case no.22 of 2014.

Vikash/-

(Aditya Kumar Trivedi, J)

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