

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19738 of 2016

Arising Out of PS.Case No. -80 Year- 2014 Thana -GHOGHARDIHA District- MADHUBANI

Sushil Sah, Son of Baidhyanathi Sah, R/o vill. - Kishanipatti, P.S.
Ghodhardiha, District - Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Hriday Kant Mishra

For the Opposite Party/s : Mr. Navin Kr.Pandey(APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner wants to renew the prayer of bail, which was earlier rejected vide order dated 23.11.2015 passed in Cr. Misc. No. 35453 of 2015, on the ground that the petitioner is in custody since 05.11.2014. Fardbeyan of Jitendra Kumar Yadav, the brother of the deceased has been recorded in para 29 of the case diary wherein he has specifically stated that on the order of Dukhi Sah, Santosh Sah gave knife blow repeatedly, causing injury on the chest of Harinandan Yadav and thereafter he died. Further accused Santosh Sah in his statement in para 38 of the case diary has also admitted that he has given knife blow on Harinandan Yadav and as such, the petitioner deserves

sympathetic consideration as he is not the assailant. Fardbeyan of Shyam Sundar Yadav appears not reliable.

Learned APP submits that as per the fardbeyan of Jitendra Yadav brother of the deceased and further as per statement of co-accused Santosh Sah, the petitioner is not the assailant, but in First Information Report lodged by Shyam Sundar Yadav, he has been also alleged as one of the assailant.

In the facts and circumstances stated above, considering the aforesaid materials now the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur (Madhubani) arising out of Ghoghardiha P.S. Case No. 80 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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