

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49091 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -SALIMPUR District- PATNA

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1. Rahul Sah, Son of Raj Kishore Sah, resident of Village- Dih Manjhauri,
Police Station- Salimpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh

For the Opposite Party/s : Mr. S.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 09-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302, 201 and 34 of the I.P.C

Allegedly, co-accused Kundan Sao, the petitioner and
other co-accused went away with Munna Sao, the husband of the
informant, on the plea to attend party on 20.10.2014 but Munna
Sao did not return and thereafter on 23.10.2014 the dead body of
Munna Sao was recovered from the water of the ditch and in the
nearby garden sleeper and scarf of the deceased were lying and
further there was sign of killing. Accordingly, it is claimed that the
petitioner and other co-accused have killed Munna Sao and
dumped the dead body in the ditch.



Submission is of false implication and that due to previous enmity the petitioner has been implicated in this case, there is no direct evidence against the petitioner, the informant has lodged this case with false averment, during investigation the independent witnesses vide paragraphs- 35 and 36 of the case diary have stated that the deceased was habitual thief and he used to commit theft in running train and was also drunker and he might have fallen down in the ditch in drunken condition and thereby he died, no external injury has been found by the doctor during postmortem and no poisonous substance has been detected in the FSL report and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is 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 Shri Ashutosh Kumar, J.M. 1st Class, Barh in Salimpur P.S. Case No. 170 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)

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