

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49054 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -GAUNAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Bittu Sah @ Bittu Kumar @ Bitu Sah son of Rabindra Sah resident of
Village - Belwa Bahuari, Police Station - Gaunaha, District - West
Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sadanand Paswan (App)

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

ORAL ORDER

3 01-02-2016

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 364, 302 and 328/34 of the I.P.C and
section 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, Soni Kumari, the daughter of the
informant, did not return from the college and then in the evening
the informant was informed on his mobile that his daughter is
unconscious in the house of the petitioner and then the informant
went there and saw his daughter dead and then the co-accused
Ashu Sah and his mother fled away and the petitioner was also not
in the house. It is claimed that the petitioner and other co-accused

after administering intoxicant had killed her.

Submission is of false implication and that at the time of occurrence the petitioner was not at the place of occurrence, the younger brother of the petitioner was alone at his residence, the daughter of the informant fell near the coaching institute which was situated near the house of the petitioner and he brought her in the house on humanitarian ground and further through her mobile the brother of the petitioner informed the petitioner and the petitioner informed to the informant, no external or internal injury has been found on the person of the deceased, during investigation vide paragraph-171 it has come that tower location of mobile of the petitioner was near Khushrupur which is far away from the house of the petitioner and as such the petitioner who is suffering in custody since 22.08.2015 deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the dead body of the deceased was found in the house of the petitioner.

In the facts and circumstances as stated above, considering that tower location of mobile of the petitioner was found near Khushrupur vide paragraph-171 of the case diary 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 Sri Sitesh Kumar, J.M. 1st Class, West Champaran at Bettiah in Gaunaha P.S. Case No. 48 of 2015, 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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