

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1666 of 2017

Arising Out of PS.Case No. -55 Year- 2015 Thana -SALKHUA District- SAHARSA

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Narayan Sah, son of Pratap Sah, resident of village Kalwara, P.S. Morkahi,
District Khagaria

.... Appellant

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Shekhar Kumar Singh

For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 25-08-2017 Heard learned counsel for the appellant.

This appeal has been filed for grant of bail in connection with Salkhua P.S. Case No. 55 of 2015, corresponding to Sessions Trial No. 274 of 2015, registered for the offences punishable under Sections 147, 148, 149, 302, 120B of the Indian Penal Code, 25(1-B)(a), 26, 27 of the Arms Act and 3(2)(v) of SC/ST Act and for setting aside the impugned order dated 21.3.2017 passed by 1st Additional District and Sessions Judge, Saharsa.

Appellant is not named in the FIR and as per FIR he was seen fleeing from the place of occurrence.

Submission of learned counsel for the appellant is that witness, namely, Narayan Choudhary, has not disclosed the name of the appellant in his statement before police and similarly other witnesses have not named this appellant, rather they have named Ramanand Yadav, Ranbir Yadav, Sakkaldhari, Umesh Yadav, who have been granted bail by this Court and he is in custody since 19.11.2016.

Heard learned Special PP also, who has opposed the



prayer for bail.

Having heard both sides and considering the facts and circumstances and also considering the fact that other similarly situated co-accused have been granted bail, this appeal is allowed and the impugned order is set aside. Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri R.M.Tripathi, 1st Additional District and Sessions Judge, Saharsa, in connection with Sessions Trial No. 274 of 2015, arising out of Salkhua P.S.Case No. 55 of 2015, subject to the conditions :-

- (i) One of the bailors should be a local person having sufficient immoveable properties within the jurisdiction of court concerned,
- (ii) Appellant will co-operate in trial and will appear on each and every date fixed in the case and on failure to appear without any genuine reason or without permission of court, his bail bond shall be cancelled.

(Vinod Kumar Sinha, J)

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