

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24768 of 2017

Arising Out of PS.Case No. -539 Year- 2007 Thana -SITAMARHI District- SITAMARHI

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Uma Shankar Sah @ Rama Shankar Sah Son of Late Fekan Sah, Resident
of Village- Maniyari, Police Station and District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
23.09.2015 in connection with Sessions Trial No. 674 of 2010
arising out of Sitamarhi P.S. Case No. 539 of 2007 registered for
the offence punishable under Sections 302/34 and 376/511 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter after coming from school had gone to the field to
pick grass and the petitioner along with another co-accused,
Babloo Rai tried to commit rape on her and when they did not
succeed, they killed her by knife.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that there is no eye-witness to the alleged occurrence, as stated by the informant in his restatement before the police, but it is only on the basis of suspicion, that he has been made accused. He further submits that none of the witnesses has seen the occurrence, although it was an open field and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner. He submits that although charge-sheet had been submitted against co-accused Babloo Rai showing sufficient evidence, but the petitioner was not chargesheeted. However, learned Court below has taken cognizance against him, as such, he had been chargesheeted in 2009.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner was declared an absconder in the year 2011 and permanent warrant of arrest was also issued and, as such, the petitioner has caused inordinate delay in conclusion of the trial. He submits that some of the witnesses have supported the prosecution case, although he fairly admits that



there is no eye-witness to the alleged occurrence.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Sitamarhi in connection with Sessions Trial No. 674 of 2010 arising out of Sitamarhi P.S. Case No. 539 of 2007, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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