

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36652 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Mishri Lal Sah Son of Late Kapildew Prasad @ Kapi Sah, R/o Village-
Athmohan, P.S.- Jharokhar, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Jha
Mr. Abhay Shankar Jha
For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Ghorasahan
(Jharokhar) P.S. Case No. 73/2017 for offences punishable under
Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his younger brother Rakesh Sah (deceased) had come home
on 24.02.2017 but co-accused Sanjay Sah came in the night at his
house and took away his brother on the pretext of seeing mela. In
the morning dead body of the informant's brother was found near
the river bridge. It is alleged that the petitioner along with other
accused persons, who were on inimical terms, had killed the



informant's brother as earlier they had also threatened his brother.

It has been submitted by the learned counsel for the petitioner that he is innocent and except suspicion there is no other material against him. He submits that there is no eye-witness to the alleged occurrence, charge-sheet has already been submitted and petitioner is languishing in judicial custody since 08.05.2017.

However, learned APP for the State opposes the prayer for bail stating therein that during investigation it has come that the informant's younger brother (deceased) had illicit relationship with the daughter-in-law of the petitioner, wife of Jhagru Sah and that the petitioner has been named in the First Information Report.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahna at Dhaka, East Champaran, in connection with Ghorasahan (Jharokhar) P.S. Case No. 73/2017, subject to the following conditions :

- (i) Both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below



during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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