

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52296 of 2017

Arising Out of PS.Case No. -69 Year- 2016 Thana -BELA District- SITAMARHI

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Birendra Sada S/o Lal Bahadur Sada, Resident of Village-Bathuara, P.S.-
Bela District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Sessions
Trial No. 70 of 2017, arising out of Bela P.S. Case No. 69 of 2016
dated 22.05.2016 instituted for the offence under Section 302 of
the Indian Penal Code.

The petitioner is alleged to have given a blow on the
head of the deceased by means of a stone which is meant for
grinding spices.

It has been alleged in the FIR that in the night of
21/22.05.2016, while the mother of the informant, Sita Devi was
sleeping in the courtyard, she was assaulted by the petitioner. This
information was provided by the aunt of the informant viz. Tetri
Devi whose statement has not been recorded by the investigating



officer of the case. The cause of occurrence has been stated to be that the father of the informant who is the husband of the deceased had run away with the wife of the petitioner and the present occurrence has taken place only because of the aforesaid conduct of the father of the informant. Since the informant is not an eye witness to the occurrence, the entire prosecution is based upon the statement of Tetri Devi who has not been examined by the police.

Though, charges have been framed against the petitioner in the present case, but no prosecution witness has been examined so far and the petitioner is in custody since 16.07.2016.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Sitamarhi in connection with Sessions Trial No. 70 of 2017, arising out of Bela P.S. Case No. 69 of 2016.

(Ashutosh Kumar, J)

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