

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53468 of 2016

Arising Out of PS.Case No. -287 Year- 2014 Thana -BANIAPUR District- SARAN

=====

1. Shambhu Sah, S/o Late Raghunandan Sah, Resident of village -
Dhangarha, P.S. Baniyapur, District - Saran at Chapra

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Opposite Party/s : None

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 15-02-2017 Heard Mr. Pramod Ban Bihari Singh for the

petitioner. No one appears on behalf of the State.

Petitioner has repeated his prayer for grant of bail in
the light of the liberty granted to him vide order dated 16.12.2015
(Annexure-1). Considering the fact that he continues to incarcerate
since 03.12.2014, the Court granted him liberty to renew prayer
for bail after 09 months in the court below itself if the trial does
not record adequate progress. He is alleged to have done away
with the life of his wife and is, thus, facing charge under Section
304 B of the Indian Penal Code.

A status report called for in this case is placed at
Flag-‘A’. On perusal, it appears that till date only two prosecution
witnesses have been examined. Learned counsel submits that



those two witnesses have not supported the prosecution case.

Be that as it may, considering the facts and circumstances of the case, including the charge the petitioner is facing, the Court, while declining the relief/prayer, disposes of this application by the following order:-

Let the Trial Court endeavour and conclude the examination of all the prosecution witnesses within 05 months from the date of receipt/communication of the order, failing which the learned Trial Court shall release the petitioner, above named, on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 6th, Saran at Chapra in connection with Sessions Trial No. 400 of 2016, arising out of Baniyapur P.S. Case No. 287 of 2014, subject to the following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) In the event of grant of bail, the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in



such appearance on two consecutive
dates, the Trial Court shall have
liberty to cancel the bail bond of the
petitioner and secure his arrest in
accordance with law.

(Kishore Kumar Mandal, J.)

Shyam

U		T	
---	--	---	--

