

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37712 of 2017

Arising Out of PS.Case No. -37 Year- 2017 Thana -KALUAHI District- MADHUBANI

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Mithilesh Sah @ Mithilesh Safi Son of Ramchandra Safi @ Bihari, R/o
Village- Haripur, Bakshi Tola, P.S.- Kaluahi, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Kusum Rani, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.04.2017 in connection with Kaluahi P.S.Case No.37 of 2017
dated 07.04.2017 for offences punishable under Sections 302 and
201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that on 06.04.2017, son of the deceased Manish Paswan enquired
from the informant about the deceased as his mother was not
found in the house, thereafter, the informant went to the house of
the deceased to trace her out and on 07.04.2017 he received a
message that her dead-body has been found in the pond. Prior to
the occurrence, there was talk between the deceased and the



petitioner on telephone.

It has been submitted by the learned counsel for the petitioner that he is innocent and there is allegation of love affair between the deceased and the petitioner. Earlier he was found in the house of the deceased; for which his family had threatened of dire consequences. He submits that witnesses have supported that he had affair with the deceased but there is no eye witness to the alleged occurrence and F.I.R. has been lodged against unknown. He further submits that the charge-sheet has already been submitted, he has no criminal antecedent and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, the learned A.P.P. for the State opposes the prayer for bail stating therein that there is strong suspicion against the petitioner.

Be that as it may, since there is only suspicion against the petitioner and no eye witness to the alleged occurrence, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Magistrate Shri M. Dubey J.M. 1st Class, Madhubani in connection with Kaluahi P.S.Case No.37 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his 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)

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