

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37140 of 2017

Arising Out of PS.Case No. -28 Year- 2015 Thana -MADHWAPUR District- MADHUBANI

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1. Shrawan Sah, Son of Late Ram Prasad Sah, Resident of Village-
Piraukhar, Police Station- Madhwapur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh

For the Opposite Party/s : Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 06.09.2017 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State and also heard

learned counsel for the informant.

Earlier prayer for bail of the petitioner was rejected
by this court vide order dated 25.10.2016 passed in Cr.
Misc. no. 37049/2016 and analogous case on the ground
that prayer of other accused had been rejected by other
benches of this court but submission on behalf of the
petitioner is that at the time of passing the aforesaid
rejection order, this court had got no opportunity to peruse
the materials came in course of investigation.

Learned counsel for the petitioner submits that in
course of investigation, two so-called eye-witnesses were



examined vide paras 23 and 39 of the case diary and both the aforesaid prosecution witnesses did not name the petitioner. He, further, submits that in course of investigation, dead body of an unknown person was recovered near the bank of river Kamla and the informant as well as son of the deceased were called by the police for identification of the aforesaid dead body and thereafter, informant as well as son of the deceased identified the aforesaid dead body on the basis of red thread tied around waist of the dead body but both the aforesaid witnesses admitted that it is difficult to identify dead body by its face.

Trial court has reported that charge against the petitioner was framed on 19.5.2017. Therefore, it is evident from the aforesaid report that up till now, not a single prosecution witness could be examined.

Although learned counsel appearing for the informant opposed the prayer submitting that on the basis of confessional statement of brother of this petitioner, dead body was recovered but he could not succeed to place relevant para of the case diary to fortify the above stated contention.

Considering the aforesaid facts and circumstances



as well as submissions of the parties and also taking note of the period of detention of the petitioner in jail custody, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VI, Madhubani in Sessions trial no. 01/2017 arising out of Madhwapur P.S. Case no. 28/2015.

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(Hemant Kumar Srivastava,J)

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