

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52916 of 2017

Arising Out of PS.Case No. -24 Year- 2017 Thana -RAJAUN District- BANKA

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1. Shani Deo Sah, Son of Bijay Sah, Resident of Village-Niyamatpur Sanjha, P.S.-Rajoun, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 04-12-2017 Heard Mr. Pramod Kumar Singh, learned counsel for the petitioner, Mr. Chaubey Jawahar, learned counsel for the informant as well as learned counsel for the State.

The petitioner seeks bail in connection with Rajoun P.S. Case No. 24/2017 dated 20.01.2017 instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The son of the informant was called by an unidentified/unknown person for providing one vehicle. On such call, the son of the informant/deceased went out of the house and did not come back. Later, a dead body was recovered which was identified to be that of the son of the informant. During the course of investigation, one Sri Ram Paswan was arrested after about seven months of the occurrence, who is said to have confessed his



guilt and in the aforesaid statement he has named the petitioner also as having participated in the occurrence. The petitioner also is said to have made his confession before the police. During the course of investigation, it has come to light that the wife of the petitioner had developed illicit relationship with the deceased and the wife of the deceased had some association with the petitioner and Sri Ram Paswan, on whose confession the petitioner has been arrested in this case. Beyond the confession of aforesaid Sri Ram Paswan and of the petitioner himself, there is no other material connecting the petitioner with the crime.

Mr. Chaubey Jawahar, learned advocate for the informant has, however, stated that a mobile telephone was recovered from the possession of the petitioner and on the analysis of the CDR, it came to light that the petitioner was found roaming around the place of occurrence at the relevant time. He has further submitted that the investigation papers reveal that the petitioner and others were found seen at the petrol pump by some of the witnesses.

Since there is no direct material against the petitioner as of now and the petitioner is in custody since 19.08.2017, this Court is inclined to grant bail to him. While saying so, the Court has also taken note of the fact that the petitioner does not have any



criminal antecedent.

The petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 24 of 2017.

The petitioner, however, shall be under an obligation to participate in the investigation to the fullest and any attempt on the part of the petitioner to evade the process of investigation or to impede the process of trial thereafter would entitle the State to proceed for cancellation of bail of the petitioner. The petitioner shall visit police station as and when required of him and shall not go out of the confines of the concerned police station without intimating the Officer-In-Charge/Investigating Officer of the concerned police station in advance.

(Ashutosh Kumar, J.)

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