

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48579 of 2018

Arising Out of PS. Case No.-865 Year-2016 Thana- SAHARSA District- Saharsa

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Balram Sah S/o Moti Sah, R/o Vill.- Bishanpur, P.S.- Sonbarsa, Kachhari,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 03.11.2017 passed in Cr. Misc. No.
40837 of 2017.

Petitioner is languishing in judicial custody since
17.07.2017 in connection with Saharsa Sadar P.S. Case No. 865
of 2016 for offences punishable under Sections 307, 448/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that, while she along with her husband Anil Sah was engaged in
milling of mustard seeds and construction of house, petitioner
along with other accused persons called the informant's husband
outside the mill and fired on his chest.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history. Independent witnesses have not supported the prosecution case and charges have not yet been framed, although, the petitioner is languishing in judicial custody for more than one year.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner fired on the vital part of the body.

Considering the facts and circumstances and the materials on record as well as the period of custody and slow progress of the case, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 865 of 2016, 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)

Rajesh/Pragya

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