

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59054 of 2018

Arising Out of PS.Case No. -30 Year- 2008 Thana -SINGHESHWAR District- MADHEPURA

=====

Santosh Sah S/o Daya Ram Sah, R/o Vill.- Gauripur, P.S.- Singeshwar ,
District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Manish Kumar 2

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Earlier the petitioner moved for bail which was
rejected vide order dated 07.11.2017 passed in Cr. Misc. No.
42250 of 2017.

Petitioner is languishing in judicial custody since
30.01.2017 in connection with Sessions Trial No. 59 (B) of 2009
arising out of Singeshwar P.S. Case No. 30 of 2008 for offences
punishable under Sections 302, 201, 34 of the Indian Penal Code.

The prosecution case, as lodged by the Chowkidar, is
that a male dead body was found near Karua Dhar bridge.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and just



because he has a criminal antecedent, he has been made accused in the present case. He further submits that co-accused Pintu @ Krishna on whose confessional statement, the name of the petitioner surfaced has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 18837 of 2009 on 07.08.2009 and that the trial has not made much headway as only two witnesses have been examined on behalf of the prosecution. He submits that he has not been named in the F.I.R., there is no eye witness to the alleged occurrence and the motive is also not made out from the case diary to have committed such offence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent as many as 9 cases are pending against him although in two he has been acquitted.

In this regard, a report was called for from the trial court and by letter no. 65 dated 25.10.2018 sent by the Presiding Officer, Fast Track Court-II, Madhepura where it has been stated that only two witnesses have been examined and letters have been written to the D.I.G. to procure the attendance of the witnesses and the trial could conclude within six months subject to attendance of the prosecution witnesses.

Considering the facts and circumstances and the



materials on record and other co-accused has already been granted the privilege of bail and that trial has not made much headway, 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 A.D.J. 1st Madhepura in connection with Sessions Trial No. 59 (B) of 2009 arising out of Singeshwar P.S. Case No. 30 of 2008, subject to the conditions that:

- (1) 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.
- (2) 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)

Devendra/Priyanka

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

