

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51330 of 2018

Arising Out of PS. Case No.-194 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

Mahesh Sah @ Mahesh Kumar Sah S/o Raja Ram Sah, R/o Vill.- Gangawara,
Tola- Kharpatti, P.S.- Runni Saidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 29-10-2018 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the
Informant.

Petitioner seeks bail in **Runni Saidpur P.S. Case No.**
194 of 2018 registered for the offence punishable under Sections
376, 302/34 of the Indian Penal Code.

Informant in her written complaint has stated that she
was getting her wheat crop thrashed in her field and her
daughter Halima Khatoon was also accompanying her. Five
persons were smoking Ganja and cigarette adjacent to the field
of the Informant and were passing filthy comments. Thereafter
the Informant send her daughter to Sanju Devi. When she went
to the house of Sanju Devi, she did not find her daughter and on
22.04.2018 in the morning she found the slipper of her daughter



in the field where five persons were smoking Ganja. On further search, she found the dead body of her daughter in the maize field of Sanjay Sah and found that dupatta was wrapped around her neck. She suspected that accused have murdered his daughter after committing rape with her.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to village politics. He has been made accused on the basis of suspicion only. Sanju Devi who claims herself to be eye witness has not named petitioner. In post mortem report death is attributable to strangulation and no rape was committed. Similarly, situated co-accused person has been granted bail by a co-ordinate bench of this Court vide order dated 04.10.2018 in Criminal Miscellaneous No. 45414 of 2018. Petitioner has got no criminal antecedent and is in custody since 23.04.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate-Sitamarhi**, in connection with **Runni Saidpur P.S.**



Case No. 194 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

