

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47429 of 2018

Arising Out of PS.Case No. -4 Year- 2017 Thana -GOPALGANJ GRP CASE District-
GOPALGANJ

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Bangali Sah @ Bangali Sha, Son of Late Ram Chandra Sah, Resident of
Village- Manjhagarh Sudhasha Ke Tola, Police Station- Manjhagarh,
District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 01.11.2017 passed in Cr. Misc. No.
38369 of 2017.

Petitioner is languishing in judicial custody since
20.01.2017 in connection with Sessions Trial No. 59 of 2018
arising out of Siwan (Thawe) Rail P.S. Case No. 04 of 2017 for
offences punishable under Sections 302, 120(B), 307/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her Brother-in-law (Nandoi) Rajesh Sah had called her



husband Ramashankar Sah on the pretext that the petitioner was calling him and thereafter both killed the informant's husband by inflicting knife blow on the chest. The cause of dispute was regarding the fact that co-accused Rajesh Sah (Nandoi) had some family dispute and there was a matrimonial case pending between the co-accused Rajesh Sah and the sister of the deceased.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence, petitioner did not call the informant's husband and it is only on suspicion that the petitioner has been made accused. He submits that the confessional statement of the petitioner and co-accused Rajesh Sah before the police has no evidentiary value in the eye of law.

However, learned APP for the State opposes the prayer for bail.

In this regard, a report was called for from the court of the learned Additional District and Sessions Judge-VIII, Gopalganj with regard to the stage of trial and it has been reported vide letter dated 10.08.2018 that one witness out of nine witnesses has been examined.

Considering the facts and circumstances and the



materials on record as well as the period of custody, 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 Additional District and Sessions Judge-VIII, Gopalganj in connection with Sessions Trial No. 59 of 2018 arising out of Siwan (Thawe) Rail P.S. Case No. 04 of 2017, 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)

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