

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38891 of 2018

Arising Out of PS. Case No.-142 Year-2013 Thana- KALYANPUR District- East Champaran

Hari Kishore Sah S/o Late Sukul Sah, R/o Vill.- Brindavan, P.S.- Kalyanpur,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner seeks bail in connection with Sessions
Trial No. 355 of 2018 arising out of Kalyanpur P.S. Case No.
142 of 2013 registered for the offence punishable under Sections
302, 328, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he along with his father and mother came to his aunt, Uma
Devi's house in search of his missing brother, Ranjeet Sah. The
informant went back to his house, but his parents stayed at his
aunt's house. Next day he was informed that the petitioner
along with Uma Devi, Birendra Sah and Ranjan Kumar killed
his father by poisoning him.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and is brother of Birendra Sah, husband of informant's aunt, Uma Devi. He submits that both co-accused, Uma Devi and Birendra Sah at whose house informant's father and mother had stayed, have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 1118 of 2014, vide order dated 10.03.2014 and Cr. Misc. No. 1224 of 2015, vide order dated 13.01.2015. He further submits that it is only on suspicion that the petitioner has been made accused as there is no eye witness to the alleged occurrence. He further undertakes to co-operate in the trial on day-to-day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Motihari, East Champaran, in connection with Sessions Trial No. 355 of 2018 arising out of Kalyanpur P.S. Case No. 142 of 2013, subject to the conditions that:

(1) One of the bailors would be close



relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The 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.)

Arjun/Ragini

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