

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77696 of 2018

Arising Out of PS. Case No.-257 Year-2015 Thana- CHARPOKHARI District- Bhojpur

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Sheo Shankar Sah @ Kariya Sah S/o Late Hirdaya Narayan Sah @ Late
Hirdaya Sah, R/o Vill.- Chandi (Harpur), P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr.Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 28-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **S. Tr. No. 103 of 2018 arising out of Charpokhari P.S. Case No. 257 of 2015** registered for the offence punishable under Sections 364, 120 (B) of the Indian Penal Code and later on Section 302 and 201 of the IPC was added.

Informant is the widow of deceased who has alleged that on 15.09.2018 at about 8:00 P.M. his co-villager Kamta Musahar took his husband with him for irrigating the land but thereafter he did not return and when she tried to located him, his whereabouts could not be ascertained, thereafter she went to Kamta Musahar where he told her that her husband has been taken away by Dasarath Paswan, Kariya (petitioner) and 4-5



other persons and on hearing that she brought Kamta Musahar to police station and thereafter present FIR has been instituted. During investigation co-accused Deepak Paswan was apprehended and he confessed his guilt and on his confession dead body of husband of informant was recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. There is no direct or indirect allegation against the petitioner of committing murder of Sanjay Yadav. It has been further submitted that except said Deepak Paswan all others have been granted bail as observed by this Court in Annexure-1. He is in custody since 15.01.2016 and is accused in one another case in Charpokhari P.S. Case No. 83 of 2015 for the offence under Section 302 of the IPC in which he is already on 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 **A.D.J.-III, Bhojpur at Ara**, in connection with **S. Tr. No. 103 of 2018 arising out of Charpokhari P.S. Case No. 257 of 2015** 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

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