

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65327 of 2018

Arising Out of PS. Case No.-45 Year-2017 Thana- LALGANJ District- Vaishali

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Pankaj Sah, Son of Ganesh Sah, Resident of Village- Jehanabad Ataulhampur,
Ward No. 14, P.S. - Lalganj, District- Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 02-01-2019 Heard learned counsel for the petitioner learned

counsel for the informant and learned A.P.P. appearing on behalf

of State.

Petitioner had earlier moved for bail which was
rejected by order dated 10.07.2017 passed in Cr. Misc. No.
26862/2017.

Petitioner is languishing in judicial custody since
14.03.2017 in connection with Sessions Trial No. 318/2017
arising out of Lalganj P.S. Case No. 45/2017, for offences
alleged under Section 302 and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that while he was retiring in the house at 9.45 p.m. and his wife
(deceased) was stitching cloth there, his son-in-law Pintu
Sharma along with petitioner entered into his house with knife



and bamboo stick and started assaulting the informant's wife who sustained grievous injury. She was taken to the hospital, but during course of treatment she succumbed to the injuries. It has further been alleged that co-accused Pintu Sharma indulged in illegal activities and was being objected by the informant and his wife (deceased), hence such incident took place.

Learned counsel for the petitioner submits that he is innocent bears no criminal antecedent and has been falsely implicated in the aforesaid case. He further submits that there was no motive behind the said killing and it is not evident that who had assaulted the deceased on her head and chest. As per post-mortem report the cause of death was because of cerebral damage upon head. He submits that petitioner also undertakes to cooperate in the trial on day-to-day basis. In this regard, report was called for from the court of learned Sessions Judge, Vaishali who has reported that the court where the present trial is pending is vacant since 23.07.2018, although all the prosecution witnesses have been examined and statement of both the accused persons have been recorded.

However, learned counsel for the informant as well as learned A.P.P. oppose the prayer for bail.

Considering the facts and circumstances of the case



and materials on record as well as the period of custody, let the 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 the learned District & Sessions Judge, Vaishali at Hajipur in connection with Sessions Trial No. 318/2017 arising out of Lalganj P.S. Case No. 45/2017, subject to the conditions:-

(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)

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