

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25262 of 2020

Arising Out of PS. Case No.-161 Year-2000 Thana- SAKRA District- Muzaffarpur

1. Chunchun Sah, S/o Late Rampreet Sah Resident of Village-Rosulpur (Mishraulia) Maniyari, P.S.-Sakra, District-Muzaffarpur.
2. Jai Kisun Sah, S/o Late Rambaran Sah Resident of Village-Rosulpur (Mishraulia) Maniyari, P.S.-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-11-2020 Heard Mr. Pramod Kumar Sinha, learned counsel for the petitioners and Mr. Ram Priya Sharan Singh, learned APP for the State.

The petitioners seek bail in connection with Sessions Trial No. 508 of 2016 arising out of Sakra P.S. Case No. 161 of 2000 dated 10.08.2000 instituted for the offences under Sections 304B, 201 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the occurrence is said to have taken place on 06.08.2000 but the matter was reported to the police after four days *i.e.* 10.08.2000. Apart from this, it has been submitted that some other accused persons of this case were put on trial and were acquitted because of



the paucity of evidence. The petitioner no. 1 is the husband of the deceased whereas petitioner no. 2 is the cousin of petitioner no. 1. The only allegation against the petitioner no. 2 is of having aided the other accused persons in disposing of the dead body of the deceased. Both the petitioners had absconded and were arrested and remanded to jail custody only on 19.03.2020.

Regard being had to the status of petitioner no. 1 (Chunchun Sah) vis-a-vis the deceased and the fact that he surrendered to the process of law quite late, I am not inclined to grant bail to him.

The prayer for bail of petitioner no. 1 is, therefore, rejected.

However, since there is no specific accusation against petitioner no. 2, who too is in custody since 19.03.2020, this Court is inclined to release him on bail.

The petitioner no. 2 (Jai Kisun Sah) is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge, Muzaffarpur in connection with Sakra P.S. Case No. 161 of 2000 corresponding to Sessions Trial No. 508 of 2016.

However, the petitioner no. 2 shall be under an obligation to participate in the trial proceedings and his



absence from such proceedings on two consecutive occasions without any plausible reason or seeking permission from the trial court, the bail granted to the petitioner would be liable to be cancelled. In that event the trial court shall proceed for cancellation of bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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