

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38086 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- MAJORGANJ District- Sitamarhi

JITAN SAH Son of Dukhan Sah R/o Village- Dumrikala, Tole Jagiraha, P.S.-  
Mejarganj, District- Sitamarhi. ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Asha Kumari, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      23-09-2021      Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 302, 201/34 of the Indian Penal Code.

As per the prosecution case, on 17.06.2020, elder brother of informant left his house for watching the field, but he did not return. During course of search, on 18.06.2020, the informant saw that petitioner along with his associates were throwing the dead body of his elder brother. On chase, petitioner was apprehended and other accused persons managed to escape.

It is submitted on behalf of the petitioner that petitioner has been made accused in this case on the basis of suspicion and as per the allegation made in the FIR petitioner has helped other accused persons in throwing the dead body as such no case under section 302 Indian Penal Code is made out against him rather at best offence of section 201 of IPC is made out



against him. Petitioner has claimed clean antecedent and he is in custody since 19.6.2020. Similarly situated co-accused has already been allowed bail by this Court vide paragraph 14 of the bail petition. Investigation is complete.

Learned counsel appearing for the State and informant oppose the prayer for bail. They submit that the trial has proceeded and IO and the doctor are left to be examined.

Considering the rival submissions of the parties, materials available on the record and the period of custody of the petitioner, let the petitioner, mentioned above, 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 Additional Sessions Judge X, Sitamarhi in Sessions Trial No. 13 of 2021/Mejarganj Police Station Case No. 90 of 2020 on the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move  
for cancellation of bail.

**(Prabhat Kumar Singh, J)**

Shashi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

