

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36028 of 2020

Arising Out of PS. Case No.-86 Year-2013 Thana- GHOGHARDIHA District- Madhubani

PAWAN SAH, son of Santlal Sah Resident of Village- Chajna, P.S.- Laukahi,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-01-2021 Heard Mr. Shashank Shekher, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No. 396 of 2019, arising out of Ghoghardiha P. S. Case No. 86 of 2013, dated 19.09.2013, instituted for offences under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27(3) of Bihar Arms Act.

In the F.I.R., suspicion has been raised on three persons regarding the killing of the deceased. The name of the petitioner has transpired during the course of investigation.



From the order impugned it appears that the materials collected in paragraph 15 and 17 support the prosecution version and paragraph 105 of the case-diary refers to the statement of a person who saw the petitioner fleeing away from the place of occurrence.

The learned counsel for the petitioner submits that even if the aforesaid materials are accepted in totality, those would not be sufficient evidence for prosecuting the petitioner or for putting him on trial.

He further submits that the main accused persons who were named in the F.I.R. and were put on trial have been acquitted.

The challenge to the aforesaid order before the High Court has also met the same fate.

Considering the afore-stated facts and taking into account the period of custody of the petitioner, he 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 Additional Sessions Judge - XI,
Madhubani, in connection with Sessions Trial No. 396 of
2019, arising out of Ghoghardiha P. S. Case No. 86 of
2013.

The petition stands allowed.

(Ashutosh Kumar, J)

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