

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41055 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- SRINAGAR District- West Champaran

Shambhu Sah son of Chandrika Sah resident of village- Pujaha, P.S.-
Shrinagar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Adv.
For the Opposite Party/s	:	Mr. Dinesh Singh, APP
For the informant	:	Mr. Shailesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-07-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Srinagar Pujaha P.S.
Case no. 44 of 2020 registered under sections 302, 120B and 34
of the Indian Penal Code.

As per allegations in the FIR, it is stated by the
informant that in the night of 13.5.2020 the three named accused
persons including Ramayan Singh called her husband to have
meal at his place. On reaching the house of Ramayan Singh at
about 11 pm, it is stated by the informant that she saw the eight
named accused persons including the petitioner herein as also



four unknown watching T.V. On asking her husband as to when he would return home, it is stated that Ishwar Singh and Ramayan Singh told her that he would go after having meal. It is stated that the next morning she heard that her husband had been killed.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. From the FIR itself it would be evident that the informant is admittedly not an eye witness to the occurrence. Neither he is amongst the three accused persons who called the husband of the informant and the house where the alleged occurrence is said to have taken place belongs to co-accused Ramayan Singh. Ramayan Singh has been enlarged on bail vide order dated 7.4.2020 passed in 38016 of 2020. The petitioner has no criminal antecedent and is in custody since 17.8.2020. Investigation in the case has concluded.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in FIR but there is direct allegation against him that he along with others killed the husband of the informant. The same is confirmed from the



contents of the post-mortem report where in the opinion of the doctor death was due to asphyxia as a result of strangulation. It is further submitted that two out of total five witnesses have already been examined on behalf of prosecution in Sessions Trial no. 241 of 2020 in the Court of learned Additional District and Sessions Judge IV, Bettiah and thus the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the fact and circumstances of the case including grant of bail to co-accused Ramayan Singh in whose house, as per the FIR, death of the husband of the informant took place, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Srinagar Pujaha P.S. Case no. 44 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- IV, Bettiah /Successor Court.

In the facts of the case, it is directed that the petitioner shall remain physically present on each date of the trial and in case of his absence on any date for reasons not to satisfaction of the learned trial Court, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and to take him into



custody till conclusion of the trial.

(Partha Sarthy, J)

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