

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.136 of 2021

Arising Out of PS. Case No.-157 Year-2018 Thana- ANDHRAMATH District- Madhubani

Pramod Sah Son of Binda Sah @ Bindeswar Sah Resident of Village-
Mahthaura, P.S- Andharamath, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Jharkhandi Updhyaya, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

6 24-03-2021

Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner has filed an undertaking to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner, who is in custody since 01.11.2018 has renewed his prayer for bail in connection with Andharamath P.S. Case No. 157 of 2018 (S.T. No. 101 of 2019) for the offences alleged under Sections 304(B) and 201/34 of the Indian Penal Code having earlier been rejected by this Court by order dated 04.12.2019 in Criminal Miscellaneous No. 43064 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the husband of the deceased. It is stated that in a subsequent development, the deposition of the informant Ratno Devi was recorded in course of trial on 24.01.2020 and in her cross examination she has stated that she did not know who administered poison to her daughter, rather she has stated that her daughter died as she was suffering



from diarrhoea. Other witnesses, namely, Jitendra Nayak, Lakshman Prasad Gupta and Devendra Sah have also not supported the prosecution case in their respective depositions. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Pursuant to the order dated 03.03.2021 status report dated 06.03.2021 has been received, in which it is stated that eight prosecution witnesses have been examined till now. However, the Court has remained vacant since 21.01.2021.

6. Be that as it may, considering the deposition of the informant as well as other prosecution witnesses who have not supported the prosecution case and having regard to the period of custody already suffered since 01.11.2018, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, Jhanjharpur, District Madhubani in connection with Andharamath P.S. Case No. 157 of 2018 (S.T. No. 101 of 2019), if he is not otherwise required in any other case.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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