

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9929 of 2021**

Arising Out of PS. Case No.-399 Year-2020 Thana- SUGAULI District- East Champaran

Birendra Sah S/O Raj Kumar Sah R/o village- Kobeya Bazar, P. S. - Sugauli,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Rajesh Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 19-07-2021

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sugauli P.S. Case no. 399 of 2020 registered under sections 302, 201, 120B and 34 of the Indian Penal Code.

As per allegations in the FIR, it is stated by the informant that his son was taken away by the four named accused persons including the petitioner herein. Quite late in the night, when his son did not return, the informant started to search for him. On the next day at 6 am the body of his son was found with a knot in his neck. The informant claims that the four named accused persons including the petitioner herein called his son, entered into conspiracy and killed him.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. Admittedly there is no eye-witness to the alleged



occurrence. The case at best is of last seen. The cause of false implication is that a case of theft had been filed by the mother of the petitioner against the deceased. The petitioner is in custody since 12.8.2020 and has no criminal antecedent.

The application for bail is opposed by learned counsel 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 the FIR but soon after the petitioner took away the son of the informant that the dead body of the informant's son was discovered. It is prayed that the application for bail be rejected.

Having heard learned counsel for the parties and taking into consideration the allegation in the FIR against the petitioner being that of last seen together with the petitioner having remained in custody for 11 months and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sugauli P.S. Case no. 399 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 Chief Judicial Magistrate, East Champaran.

(Partha Sarthy, J)

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