

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42577 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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SIYARAM SAH Son of - Late Ramdeo Sah Resident of Village - Kundwa
Chainpur, P.S. - Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shanti Bhushan Singh, Adv.
For the Opposite Party/s :	Mr. Binod Kumar Singh, Adv.
	Mr. Nikhil Singh, Adv.
	Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and sections 4 and 5 of the POCSO Act.

As per the prosecution case, it is stated by the informant that while his son was going towards his house, he was stopped by this petitioner from going. However, the son of the informant proceeded to his house and on reaching there saw his sister dead. Information was given to the informant. It is thereafter stated that the other accused persons including Jaiprakash started telling him that the treatment of the daughter would be very expensive, therefore, not to get her treated. Hari



Kishore Sah snatched the mobile phone of his son when he made an attempt to inform his relatives. The other accused persons coerced the informant and his son to cremate the body. After cremation, the accused persons forced him to leave the country for Nepal giving threats that in case he returned his dead body would also not been found.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Even accepting the allegations in the F.I.R. for the sake of argument, no overt act has been alleged against the petitioner. The only allegation being that the petitioner stopped the son of the informant from going towards his house. The petitioner is in custody since 2.2.2021 and has no criminal antecedent. A number of co-accused have been enlarged on bail.

The application for bail is opposed by learned A.P.P. for the State who submits that besides being named in the F.I.R., the informant reiterated the same version in his statement under section 164 Cr.P.C.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is



rejected.

Learned trial court is directed to expedite the trial.

Liberty is granted to the petitioner to renew his prayer
for bail on framing of charge.

(Partha Sarthy, J)

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