

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49466 of 2022

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

- =====
1. HARI KISHOR SAH @ HARI SAH son of Late Laxmi Sah
 2. Milan Sah @ Sanjeev Kumar, son of Hari Kishor Sah
- Both residents 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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with

CRIMINAL MISCELLANEOUS No. 51000 of 2022

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

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RAMESH SAH Son of Awadh Kishore 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 :

(In CRIMINAL MISCELLANEOUS No. 49466 of 2022)

For the Petitioner/s : M/s Anil Kumar,
Pooja Kumari , Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 51000 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 28-09-2022

Heard learned counsel for the parties.

The prayer for bail of all the three petitioners of both
the applications arising out of the same FIR, the two
applications have been taken up for disposal together.



The petitioners have renewed their prayer for grant of regular bail in a case registered under sections 302, 376D, 149, 342, 450, 201 and 120B of the Indian Penal Code to which sections 4 and 5 of the POCSO Act was added subsequently.

As per the prosecution case while the twelve year old daughter of the informant was at home, on the son of the informant returning from bazar, the accused Siya Ram Sah asked him not to go home. On reaching his house, the son of the informant saw his sister on the ground. He ran, shouting and searching for the informant. On the informant reaching his home, he saw his daughter had died and there was a mark around her neck. It is stated that Jai Prakash Sah started to tell the informant that a huge cost of Rs. 4 – 5 lacs would be incurred in the treatment. On the informant's son making an attempt to inform his relatives, it is stated that Hari Kishore Sah snatched his mobile phone. Thereafter, Milan Sah, Ramesh Sah and others forced the informant to cremate the body and said that nobody should be told that she had been murdered. It is stated that the accused said that information should be given to the effect that she had died as a result of cold. The informant states that he was threatened, his thumb impression was taken on blank piece of paper and, thereafter, he was forced to cremate



the body and was sent to Nepal.

It is submitted by learned counsel appearing for the petitioners Hari Kishore Sah and Milan Sah that the earlier prayer for bail of the two petitioners were rejected vide order dated 8.2.2022 (Annexure-1) passed in Cr. Misc. no. 46046 of 2021 giving liberty to the petitioners to renew their prayer for bail after six months. The petitioners are in custody since 20.2.2021. On behalf of accused Ramesh Sah it is submitted that the earlier prayer for bail was rejected vide order dated 8.2.2022 passed in Cr. Misc. no. 40901 of 2021 giving direction to the learned trial court to expedite the trial and giving liberty to the petitioner to renew his prayer for bail after six months. It has been more than six months since passing of the two orders on 8.2.2022. The petitioners undertake to cooperate in the trial

Heard learned Additional Public Prosecutors for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, liberty granted to the petitioners in the earlier order of rejection dated 8.2.2022 and the petitioners having remained in custody since 20.2.2021, all the three petitioners are directed to be enlarged on bail in connection with P. Tr. no. 66 of 2021 (C.I.S. 251/2021) (arising



out of Kundwa Chainpur P.S. Case no. 21 of 2021) on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Addl. Sessions Judge – cum – Special Judge, POCSO, Motihari, East Champaran.

(Partha Sarthy, J)

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