

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69748 of 2021**

Arising Out of PS. Case No.-108 Year-2021 Thana- DHAKA District- East Champaran

Shyam Sundar @ Shyam Sunder Sah Son of Kishun Sah Resident of Village -
Raksha Rahimpur, P.S.- Dhaka, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dhaka
P.S. Case No. 108 of 2021 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.09.2021.



The allegation against the petitioner is to commit murder of husband of the informant, alongwith other co-accused persons over the dispute arises out of demand of wage, raised by deceased.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case, where entire allegation is based upon suspicion, for the reason that petitioner was found running away, alongwith other co-accused persons, from the place, where the dead body of the husband of the informant was lying over. It is further submitted that, admittedly, informant is not the eye witness of the occurrence and, moreover, nothing incriminating surfaced during the course of investigation in furtherance of suspicion, as raised through F.I.R. to connect this petitioner, *prima facie*, with the present set of occurrence/murder. It is also submitted that similarly situated co-accused, namely, Sheikh Soheb has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 39158 of 2021 dated 01.08.2022. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with



the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced during the course of investigation to connect this petitioner, *prima facie*, with the present set of occurrence/murder in the background, where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhaka P.S. Case No. 108 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran/concerned Court, subject to the following conditions:

(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Sanzari Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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