

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35782 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- ISUAPUR District- Saran

PRAVESH SAH SHANKAR SAH Resident of Village- Bishanpura, Police
Station- Isuapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyamal Prakash, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard the parties.

The petitioner is in custody since 29.11.2022 in connection with Sessions Trial No. 726 of 2022 arising out of Isuapur P.S. Case No. 189 of 202 for the offence punishable under Sections 302, 201, 120(B), 34 of the I.P.C. lodged on 20.8.2022 by the informant Punam Devi.

The prosecution story, in brief, is that the petitioner along with co-accused persons took away her husband for settling their dispute but after sometime, the informant's husband did not return. Thereafter, the informant came to know that her husband was killed and his dead body was laying near NH531. It is further alleged that the petitioner hatched conspiracy to kill the informant's husband in connivance with others.



It has been contended by the learned counsel for the petitioner that there is no eye-witness to the occurrence and his name has come in the confessional statement of Mukul Sah and there is no specific allegation against him.

It is his further submission that one of the co-accused Arjun Kushwaha has since been released vide Cr. Misc. No. 4144 of 2023 on 8.5.2023.

Learned APP opposes the prayer stating that his name has come in the confessional statement.

Taking into account the aforesaid facts as also that the similar situate person namely Arjun Kushwaha has been released on bail and is in custody since 29.11.2023 (as stated in para-13 of the bail application), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner 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 5th Additional District and Sessions Judge, Chapra, in connection with Sessions Trial No. 726 of 2022 arising out of Isuapur P.S. Case No. 189 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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