

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65002 of 2024**

Arising Out of PS. Case No.-267 Year-2019 Thana- ITARHI District- Buxar

Bharat Sah S/o- Baban Sah Village- Karghani PS-Buxar (Muffassil), Dist-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 22-11-2024 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail in connection with
Session Trail No. 177 of 2024, arising out of Itarhi P.S. Case
No. 267 of 2019, registered for the offences punishable under
Sections 302, 201, 34 of the Indian Penal Code and Section 27
of Arms Act.

3. The case of the prosecution, in brief, is that on
03.12.2019, at about 7.30 A.M, in the morning, the informant,
who was then posted as A.S.I at Itarhi Police Station, received
information over telephone that a dead body of a half burnt girl
is lying near Jawahar temple at village Kukudha, whereafter the



informant had registered *sanha* and had then left for the said place of occurrence along with the police force and upon reaching there, the informant found a half burnt dead body of a girl. It has also been stated that there was blood on the head of the said girl and it appeared that gun shots had been fired on the head.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.03.2024. The learned counsel for the petitioner has further submitted that no evidence whatsoever has been collected during the course of investigation so as to connect the petitioner with the alleged crime and moreover, the main co-accused persons, namely, Mahendra Prasad Gupta and Sharmila Devi have already been acquitted by the learned Court of District and Additional Session Judge-III-cum-Special Judge (M.P/M.L.A), Buxar by a judgment dated 01.10.2024, copy whereof has been produced by the learned counsel for the petitioner and is taken on record. Thus it is submitted that a sympathetic view be taken and the petitioner be granted the privilege of bail.

5. *Per contra*, the learned APP for the State has



vehemently opposed the prayer for bail, but he has admitted that name of the petitioner has transpired in the present case only on account of the disclosure made by the said Mahendra Prasad Gupta and Sharmila Devi, however he has not been able to show from the case diary that any substantial material has been collected during the course of investigation to connect the petitioner with the alleged crime.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main accused persons, namely, Mahendra Prasad Gupta and Sharmila Devi have already been acquitted by the learned Trial Court apart from the fact that minuscule evidence is available on record so to connect the petitioner with the alleged occurrence and moreover, he is having a clean antecedent as also is languishing in custody since more than six months, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned A.D.J.-III, Buxar in
connection with Itarhi P.S. Case No. 267 of 2019.

(Mohit Kumar Shah, J)

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