

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31306 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- PHENHARA District- East Champaran

Abhirendra Sah S/O Mahendra Sah, Resident of village -Rupauliya Tola
Vrita, P.S.- Phenhara, District - East Champaran. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-09-2025 Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. The petitioner seeks bail in connection
with Sessions Trial No. 553 of 2024 arising out of
Phenhara P.S. Case No. 38 of 2024, registered for
the offence under Sections 120-B, 302, 34 of the
Indian Penal Code.

3. The accused/petitioner is named in the
F.I.R. and is in custody since 04.03.2024.

4. As per FIR, informant suspects *qua*
involvement of the petitioner alongwith other
named co-accused persons in murder of his son. It
is also alleged that after committing murder, cash
of Rs. 40,000/- golden chain, one Samsung A-13



mobile etc. were also looted from his deceased son by accused persons including petitioner.

5. Learned Counsel appearing on behalf of the petitioner submitted that the informant raised suspicion against this petitioner through FIR out of village politics. It is submitted that during investigation nothing incriminating surfaced/recovered from this petitioner which may suggest *prima facie qua* involvement of petitioner with present crime in question. It is further submitted that even during course of investigation, independent witnesses supported the occurrence on the basis of hearsay input having otherwise no bearing under law. While concluding argument, it is submitted that charge in this matter already framed on 06th of February, 2025 despite of same, till date not even a single prosecution witness was examined and such way petitioner remains in custody for more than one and half years. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that from the face of FIR suggest



that petitioner was actively involved in occurrence, whereas learned APP could not disputed the factual submission, as submitted aforesaid.

7. Considering the aforesaid factual submissions and by taking note of fact as save and except suspicion, nothing incriminating surfaced during investigation as to connect petitioner *prima facie* with present occurrence, coupled with the fact that despite of remains in custody for more than one and half years, not even a single prosecution witness was examined and, as such, the conclusion of trial is not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Sessions Trial No. 553 of 2024 arising out of Phenhara P.S. Case No. 38 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, East Champaran at Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3)



of BNSS.

(Chandra Shekhar Jha, J)

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