

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35966 of 2015**

Arising Out of PS.Case No. -107 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

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1. Hari Sah @ Harilal Sah Son of Late Saroj Sah Resident of village -  
Waini, P.S. Tajpur ( Waini O.P. ), District - Samastipur

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. L.K.Sharma(App)

: Mr. Dharendra Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN**  
**SHARMA**

**ORAL ORDER**

3      24-11-2015                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

The petitioner seeks bail in connection with Tajpur  
P.S. Case No. 107 of 2015 registered for the offences punishable  
under Sections 302, 34/120B of the Indian Penal Code and Section  
27 of the Arms Act.

Allegedly, the petitioner, other FIR named accused  
persons and some unknown person stopped the motorcycle of  
Sanjeet Kumar @ Mantu Sah on which the informant was also  
sitting and started indiscriminate firing, resulting the informant  
fled away towards village and Sanjeet Kumar @ Mantu received  
bullet injury and became injured and when he went in the hut, the  
miscreants went there and shot causing his death and thereafter,

the miscreants fled away. The motive behind the occurrence is that Sanjeet Kumar @ Mantu Sah was ex-Mukhiya of Waini Panchayat and at that time also Dhiru Jha and his associates have made attempt to kill him and further there was dispute with Santosh Kumar @ Annu Tiwari and his associates.

Submission is of false implication only on suspicion, the petitioner is a social worker, during investigation vide paragraphs 44, 45 and 46 of the case diary it has come that Annu Tiwari @ Santosh Tiwari, Satyam Chaudhary and Rajeev @ Jugali are the assailants. Against the petitioner only suspicion has been raised due to village politics. The petitioner is suffering in custody since 09.04.2015 having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner is named in the FIR as accused no. 1 and further during investigation the witnesses have also named him regarding his presence at the time of occurrence and the medical evidence also corroborates the prosecution version.

In the facts and circumstances stated above, considering that during investigation the witnesses vide

paragraphs 44 to 46 of the case diary have stated specifically that co-accused Annu Tiwari, Satyam Chaudhary, Rajeev @ Jugli were the assailants who have shot the deceased along with one unknown and as such the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Nitin Koushik, J. M. Ist Class, Samastipur in connection with Tajpur (Waini) P.S. Case No. 107 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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