

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42717 of 2015

Arising Out of PS.Case No. -50 Year- 2015 Thana -KHUTAUNA District- MADHUBANI

1. Amit Kumar Sah Son of Raj Kumar Sah Resident of Village - Ekdara,
P.S. - Khutauna, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Lakshmikant Sharma,
Mr. Prem Shankar Kumar

For the Opposite Party/s : Mr. Uma Nath Mishra(App)

For the informant : Mr. Gagandeo Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 18-12-2015 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel,
appearing for the informant.

The deceased was, allegedly, killed in the house of
Banshilal Sah and the weapons, used in committing the murder of
deceased as well as some articles, were recovered from the house
of aforesaid co-accused, Banshilal Sah.

Petitioner happens to be nephew of co-accused
Banshilal Sah and according to prosecution case, it was petitioner,
who went to call the informant for Panchayati and after that,
informant came and learnt about the alleged occurrence. In course
of investigation, the petitioner was arrested and some articles

which belonged to deceased, were recovered from conscious possession of the petitioner. Except the aforesaid material, there appears to be nothing against him.

Learned counsel, appearing for petitioner submits that as a matter of fact, the deceased had entered into house of Banshilal Sah with an intent to commit rape with young daughter of aforesaid Banshilal Sah but he was caught by in-mates of the house and subsequently, he was beaten up by the villagers, as a result whereof, he died and so far as petitioner is concerned; there is nothing in the entire case diary to show that petitioner had also participated in beating of the deceased.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khutauna P.S. Case No. 50 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Madhubani.

(Hemant Kumar Srivastava, J)

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