

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14466 of 2016

Arising Out of PS.Case No. -234 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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Rupesh Kumar @ Rupesh Sah @ Rupesh Kumar Sah, Son of Rajdeo Sah,
Resident of village- Wolhan Mehta Tola, P.S.- Harsidhi, District- East
Champanan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Narsing Tanti (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-05-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 28.11.2015
in connection with Harsidhi P.S. Case No. 234/15 for offences
alleged under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that one Rajdeo Sah, in whose shop informant's brother was
working, has informed the informant that his brother died and his
dead body is lying in the bridge. Informant claimed that petitioner
along with two others have killed his brother, as there was dispute
and his brother informed him about the dispute on 23.06.2015

It has been submitted by the learned counsel for
the petitioner that he is innocent, has falsely been implicated in the
aforesaid case and the deceased used to work in his father's shop

and that there was some salary dispute as alleged by the informant between the deceased and the father of the petitioner which the deceased was getting from the shop of the father of the petitioner. He further submits that the informant is not an eye-witness to the alleged occurrence and it is only on the basis of suspicion that the petitioner has been made accused. He further submits that the petitioner is a student of engineering pursuing his study outside the village and there is no enmity between the petitioner and the deceased.

However, learned APP for the State submits that the prosecution has found the complicity of the petitioner true and he has been charge-sheeted, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is a student, no direct allegation is levelled against him and on undertaking that he will not tamper with the evidence or abscond, let petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 234/15.

(Nilu Agrawal, J.)

Rajesh/-

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