

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21066 of 2016

Arising out of PS.Case No. -219 Year- 2015 Thana -LAXMIPUR District- JAMUI

Sanjay Sah, Son of Late Kishan Sah, resident of Village- Gaura, P.S. Laxmipur, District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate,

For the Opposite Party : Mr. Ahmad Ali(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 29.11.2015 in connection with Laxamipur P.S. Case No. 219 of 2015 for the offences instituted under Sections 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 27.11.2015 at about 3.00 P.M., the informant sent his father to see the harvested paddy crop. His father alongwith *Samdhi* Mahendra Sah went there and after one hour of the incident *Samdhi* came running. He told him that 3-4 persons killed his father. It is further said that his father was found dead in front of the house of Sanjay Sah when he was returning home. It was found that blood was oozing out from his head and stomach and blood was found around his body. It is

also said that presently there is a case in between both the parties and it is the main cause of incident.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.11.2015 and the charge sheet has been submitted in the present case. There is no eye witness to the alleged occurrence. The petitioner has been named as one of the assailants on the basis of previous enmity.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is one of the assailants as per allegations made in the F.I.R. The postmortem report also supports the allegation of firing upon the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Laxamipur P.S. Case No. 219/2015, pending in the court of the learned C.J.M., Jamui.

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(Sudhir Singh, J)