

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34289 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -SALKHUA District- SAHARSA

=====

Rajesh Sah, S/o Late Bengo Sah, R/o Village- Rahiyar, P.S.- Manshi,
District- Khagariya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma

For the Opposite Party : Mr. Ashok Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302, 120B of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case, in brief, is that the son of the
informant was caught hold by co-accused Soman Sah, Dasrath
Sah, Dilip Sah and other unknown persons and co-accused
Bindeshwari Sah and Pullendra Sah inflicted firearm injury to the
son of the informant, causing injury on his head and chest. The
cause of occurrence is said to be the land dispute between the
parties.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 06.06.2016. The charge sheet has been submitted in the present case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the First Information Report. The informant is an eyewitness to the alleged occurrence. The informant has alleged that Bindeshwari Sah and Pullendra Sah fired upon the deceased. The informant in his re-statement, in para-4 of the case diary has stated that co-accused Bindeshwari Sah and this petitioner fired on the deceased. In para-5 of the case diary, the eyewitness has alleged that this petitioner only fired on the deceased. In para-13 of the case diary, the said eyewitness named the petitioner as a member of an unlawful assembly. Admittedly, there is contradiction in the statement of the informant as well as the other witnesses.

On behalf of the state, it has been submitted that the petitioner is not named in the F.I.R. Subsequently, in the re-statement of the informant, the name of the petitioner has come and there is a contradiction in the evidence of the prosecution. The other co-accused namely Bindeshwari Sah and Pullendra Sah have been granted bail vide Annexures-2 and 3 to the present application.

Considering the aforesaid facts and circumstances, let

the 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 the learned Additional Chief Judicial Magistrate-II, Saharsa, in connection with Salkhua P.S. Case No. 212 of 2015.

(Sudhir Singh, J.)

Amit/-

U		T	
---	--	---	--