

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40655 of 2016

Arising Out of PS.Case No. -147 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

1. Santosh Sah S/o Ashok Sah Resident of vill- Kalgiganj, PS Kahalgaon Distt Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Indra Kumar Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-11-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 14.05.2016 in connection with Kahalgaon P.S.Case No. 147/2016 (G.R. No. 1524 of 2016) registered for offences punishable under Sections 302, 120 (B) of the I.P.C. and Section 27 of the Arms Act.

The prosecution case as lodged on the basis of written statement by the informant on 11.05.2016 at 8.30 P.M. before Officer In charge of Kahalgaon P.S. that on getting information from his well wishers that his son Ambika Kumar was murdered and his dead body was lying near the Champa Pokhar, thereafter, the informant reached there and saw that his son was lying dead

and blood was oozing from his head and there was sign of pillet on his head and during that period many people arrived there and after that the police reached there.

It has been submitted by the learned counsel for the petitioner that he is innocent and falsely been implicated in the aforesaid case. He further submits that he does not have any criminal history and the petitioner and the deceased were good friends and hence, such act would not have been done by him. He further submits that charge sheet has already been submitted that there is no chance of tampering with the prosecution evidence.

Learned counsel for the petitioner submits that the petitioner is named in the F.I.R. and he was last seen with the deceased, hence, opposes the prayer for bail.

On perusal of the case diary and materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

The bail application of the petitioner is hereby rejected.

(Nilu Agrawal, J)

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