

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48893 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -GWALPARA District- MADHEPURA

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Saken Sah, son of Ram Prasad Sah, resident of Village Majhuwa, Ward No. 5, P.S. Gwalpara, District Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since 08.08.2016 in connection with Gwalpara P.S. Case No. 53/16 for offences punishable under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that there was land dispute between the informant's father and his agnate, due to which petitioner and five other co-accused persons named in the First Information Report have killed the informant's father in the night of 14.07.2016.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It is submitted that he has no criminal history,



there is no eye-witness to the alleged occurrence and the petitioner has been implicated only on the basis of suspicion. It is further submitted that the petitioner and other co-accused are agnates of the deceased and his family members and there was land dispute between the parties, hence, petitioner has been falsely implicated. It has further been submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the prosecution witnesses have supported the prosecution case, hence, opposes the prayer for bail.

Be that as it may, since there is no eye-witness to the alleged occurrence, petitioner has been implicated only on the basis of suspicion and that charge-sheet has already been submitted, let petitioner, above named, be enlarged 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 Judicial Magistrate 1st Class, Madhepura, in connection with Gwalpara P.S. Case No. 53/16.

(Nilu Agrawal, J.)

Rajesh/-

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