

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26019 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

1. Guddu Sah @ Subodh Kumar Sah Son of Late Gajadhar Prasad Sah,
resident of Sikargarh Tola Kahalgaon, P.s.- Kahalgaon, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Sri Dashrath Mehta, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Kahalgaon P.S.Case No. 30/2016 registered for the offence
punishable under Sections 302, 201 & 34 of the Indian Penal
Code.

The prosecution case as lodged by the informant
is that in the night of 21/22.08.2015 Khusbu Devi, wife of the
deceased with the help of Dablu @ Pramod Sah and Guddu Sah
murdered the son of the informant Neeraj Sah. It is further alleged
that Dablu is lover of Khusbu Devi and it is also alleged that
Pramod Sah @ Dablu Sah gave a lathi blow on the head of the
deceased and pushed him from the roof of the house. With the

collusion of police the said daughter-in-law of the informant lodged U. D. Case to save their skin.

This prosecution case was earlier lodged on the basis of the complaint case No. 2256/2015 by the mother of the deceased Niraj Saha alleging that her daughter-in-law Khusbu Devi along with her lover Dablu @ Pramod Sah along with the petitioner gave a lathi blow on the head of the deceased, which resulted in his death.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. Just because he is brother of co-accused Dablu @ Pramod Sah, he has been falsely implicated. No overt act has been alleged against him. It has further been submitted that all the witnesses have stated that there was constant fight between the husband and wife i.e. deceased Niraj Sah and Khusbu Devi and he fell down from the roof of the house which had no boundary. It has also been submitted that the petitioner has clean antecedent as is evident from para-3 of this application and just because he is the brother of Dablu @ Pramod Sah, he has been implicated. Learned counsel for the petitioner states that although the date of occurrence is 21/22/08.2015 and complaint case had been lodged on 06.10.2015 and no reason has been given for this in-ordinate delay.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer bail.

Be that as it may, since no specific allegation has been made against this petitioner, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S.Case No. 30/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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