

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15699 of 2016

Arising Out of PS.Case No. -199 Year- 2015 Thana -MANSI District- KHAGARIA

1. Rupesh Sah S/o Late Bengo Sah @ Bego Sah Resident of Village-Rohiyar, P.S.-Mansi, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Manoj Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in jail custody since 16.01.2016 in a case registered for offences punishable under Sections 147, 148, 149, 341, 326, 307 I.P.C. and 27 of the Arms Act.

The prosecution case as lodged by the informant, Kapileshwar Yadav is that on 28.09.2015 at 7.30 A.M. he was washing his mouth at his door then the petitioner and co-accused persons variously armed with weapons came there and abused the informant. It is further alleged that the petitioner, Rupesh Sah and co-accused, Kirani Sah shot at the informant, which hit at the waist and buttock of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case due to previous enmity. He further submits that a

complaint case which was later on registered as Mansi P. S .Case No. 180/2015 by Munki Devi for kidnapping the father of the petitioner.

He further submits that co-accused, Kirani Sah had hit the informant by fire arm on the waist has not been charge sheeted but the petitioner has been charge sheeted, although, both the injuries caused by the petitioner and co-accused, Kirani Sah has to be found simple in nature as per expert opinion. He further submits that since the petitioner is charge sheeted and is a man of means, there is no chance of absconding or tampering with the evidence.

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

Be that as it may, considering the period of custody of the petitioner, the above named petitioner, Rupesh Sah is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S.Case No. 199/2015.

(Nilu Agrawal, J)

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