

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52437 of 2015

Arising Out of PS.Case No. -105 Year- 2015 Thana -BHAGHA District-
WESTCHAMPARAN(BETTIAH)

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Rakesh Sah son of Jagdeo Sah, Resident of village- Dumwalia, P.S.-
Bagaha (Pathkhauli), Distt- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. M.K. Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 30-01-2016 The petitioner seeks bail in connection with Bagaha
(Pathkhauli) P. S. Case No. 105/2015 registered under Section
302/34 of the Indian Penal Code.

It is contended that though the petitioner is named in
the FIR along with one Raju Shah, no specific allegation has
been made against him. The allegations are omnibus and
general and co-accused Raju Shah having identical allegation
has already been granted bail by a co-ordinate Bench of this
Court vide order dated 22.12.2015 passed in Cr. Misc. No.
47383 of 2015.

Learned counsel for the State has vehemently opposed
the application for grant of bail to the petitioner. He has



contended that in course of investigation, statements of witnesses namely, Upendra Ram, Savitri Devi and Baby Devi have been recorded in paras 3, 7 and 15 of the case-diary respectively in which they are claiming themselves to be eye-witnesses to the occurrence. They have categorically stated that the petitioner along with co-accused Raju Shah had brutally assaulted the husband of the informant on the relevant date and time of occurrence and when the witness Upendra Ram tried to intervene, he was also assaulted by them. He has further contended that the post-mortem report duly corroborates the injuries caused to the deceased.

I have heard respective learned counsel for the parties and carefully perused the case diary. It appears that the statements of the witnesses recorded in para 3, 7 and 15 of the case diary were not brought to the notice of the Court while considering the case of co-accused Raju Shah for bail.

Considering the gravity of the offences and the alleged role of the petitioner in executing the murder of the husband of the informant, I am not inclined to grant him bail even though co-accused Raju Shah has been granted bail by a co-ordinate Bench of this Court. Accordingly, the application for bail is rejected.

The Court below is directed to expedite the trial and conclude the same as early as possible.

(Ashwani Kumar Singh, J.)

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