

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1288 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -SALKHUA District- SAHARSA

Bindeshwari Sah @ Bindeshwari Sahu, S/o Late Kokay Sah, R/o Village-
Jamal Nagar, Ward No. 12, O.P. Banma Itahari, P.S.- Salkhua, District-
Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate.
For the Informant : Mr. Anil Kumar Mukund, Advocate.
For the Opposite Party/s : Mrs. Renuka Ratnakar (APP)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner is accused in connection with Salkhua
P.S. Case No. 212 of 2015 registered under Sections 302 and
120B of the Indian Penal Code and Section 27 of the Arms Act.

The allegation of informant, Shayamdeo Sah, is that
on 15.10.2015, his son was going to Sonbarsa on his cycle, in the
way, near the bridge, petitioner along with seven others and some
unknown surrounded his son, Baijnath Sah @ Vijay Sah and shot
fire at him. Informant further alleged that petitioner and co-
accused Pulendra Sah shot fire to Baijnath Sah whereas other co-
accused, Dashrath Sah, Dilip Sah and Som Sah were catching hold
the deceased. The cause of occurrence is said to be of old enmity

due to land dispute.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this due to land dispute. It is further submitted that informant in paragraph 4 of the case diary has specifically stated about reaching at the place of occurrence along with his nephew, Bhababni Sah, and saw that this petitioner and Rajesh Sah shot fire at the deceased whereas Bhawani Sah, in paragraph 5 of the case dairy, has stated about firing by only Rajesh Sah at the deceased and similar statement is of Ramdes Sah, brother of the informant, in paragraph 13 of the case diary. It is further submitted that petitioner is in custody since 19.10.2015.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M. IInd, Saharsa, in connection with Salkhua P.S. Case No. 212 of 2015. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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