

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20664 of 2016

Arising Out of PS.Case No. -91 Year- 2015 Thana -SHEOHAR District- SHEOHAR

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Dhorai Sah S/o Indal Sah Resident of Village- Khairwa Darp P.S.+District-
Sheohar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II

For the Opposite Party/s : Mr. M.K.Nirala(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-09-2016 Heard learned counsel for the petitioners

and learned counsel appearing on behalf of the

State.

The petitioner apprehends his arrest in
connection with Sheohar P.S. Case No. 91 of 2015
for the offences registered under Sections
302/120(B) of the Indian Penal Code and Section 27
of the Arms Act.

Case dairy of the present case was called for,
which has since been received.

Learned counsel for the petitioner submits
that the only allegation against the petitioner is that
he was present at the place of occurrence and had
exhorted the other co-accused to kill the deceased.



He further submits that save and except the statement made by the first informant who claims to be the eye witness but could not have seen the occurrence from a distance in the light of the torch, there is no further material in the case dairy to implicate the petitioner in the present case.

Learned counsel for the State after perusal of the case dairy submits that the petitioner was present at the place of occurrence and had exhorted the other co-accused to kill the deceased. Accused namely, Sonelal Sah, was arrested and was subsequently, released on regular bail.

Considering the entire facts and circumstances of the case and in view of the fact that there is no further corroborating evidence in the case dairy to show that the informant had, in fact, seen the occurrence and has neither disclosed the motive with regard to the present petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this

order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No. 91 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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