

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40837 of 2017

Arising Out of PS.Case No. -865 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Balram Sah Son of Moti Sah, R/o Village- Bishanpur, P.S,- Sonbarsa,
Kachhari, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.07.2017 in connection with Saharsa Sadar P.S. Case No. 865 of
2016 for offences punishable under Sections 307, 448/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while she and her husband Anil Sah were engaged in earning
livelihood through milling the mustard seeds and was constructing
the house, six persons including the petitioner started assaulting
the husband of the informant. Specific allegation against the
petitioner is that he called the informant's husband outside the mill



and fired on his chest.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and the independent witnesses have not supported the prosecution case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the son of the informant had illicit relationship with the wife of the petitioner and all persons including the petitioner had connived and inflicted fire arm injury on the vital part of the body of the informant's husband.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage and, accordingly, his such prayer stands rejected in connection with Saharsa Sadar P.S. Case No. 865 of 2016 pending in the Court of learned C.J.M., Saharsa.

(Nilu Agrawal, J)

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