

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32347 of 2016

Arising out of P.S. Case No. - 309 Year - 2014 Thana - BHAGALPUR COMPLAINT CASE District
- BHAGALPUR

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1. Jungli Sah @ Jangli Sah, Son of Late Jagdish Sah, Resident of Village Naya Tola Bhawanipur, Police Station - Rangra (Gopalpur), District Bhagalpur
 2. Tun-Tun Sah, Son of Sahab Sah
 3. Sahab Sah @ Saheb Sah, Son of Late Shibal Sah, Both are resident of Village Bharna, Police Station Beldour, District Khagaria
 4. Sanjay Sah, Son of Saudagar Sah, Resident of Village Parbatta Bazar, Police Station Parbatta, District Khagaria
 5. Krishnadeo Sah, Son of Late Biranchi Sah, Resident of Village Telhari, Police Station Bhawanipur, District Purnea

.... Petitioners

Versus

1. The State of Bihar
2. Janak Lal Sah, Son of Late Asrafi Sah, Resident of Village Sahu Tola, Bhawanipur, P.S. Gopalpur (Rangra), District Bhagalpur

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Viveka Nand Singh, Advocate
For the Informant : Mr. Rajesh Kumar Pandey, Advocate
For the Opposite Parties : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-02-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

All the five petitioners are accused along with other in connection with Gopalpur (Rangra) Police Station Case No. 178, dated 27.07.2010. Allegation, in the First Information Report, is that the petitioners variously armed entered into the house of the



informant in the night. They, initially, asked the informant to open the door of his room. When the informant declined, they committed murder of the mother of the informant who was sleeping in the Varandah. Specific allegation of causing firearm injury is against the petitioner no. 1 Jungli Sah @ Jangli Sah, co-accused Niranjan Sharma and petitioner no. 2 Tun-Tun Sah. The post-mortem report reveals that the Doctor has found multiple wound of entry and exit caused by firearm.

The informant supported the aforesaid allegation before the police in re-statement under Section 161 Cr.P.C. However, family members stated before the police that on hearing sound of firing, they woke up and saw the miscreants fleeing away but they could not identify. After investigation, the police submitted final form and did not sent up the petitioners for trial. Thereafter, on the basis of protest petition filed by the informant of this case, Complaint Case No. 309 of 2014 has been registered with same allegation against the petitioners and now the petitioners prayed for bail in the complaint case aforesaid.

Submission is that the police has found prosecution allegation false which is itself good ground for grant of anticipatory bail. Moreover, Gopalpur (Rangra) Police Station Case No. 41 of 2010 was registered under Sections 302/34 of the



Indian Penal Code on the statement of Anjula Devi, the wife of deceased Shankar Sah @ Arvind Sah whose murder was committed by the named accused person. The witnesses of this case were accused in that case and just to take revenge, they are witnesses in this case.

Considering the nature of allegation and material against the petitioners, I am not inclined to enlarge them on anticipatory bail in connection with Complaint Case No. 309 of 2014 pending in the Court of learned Additional Chief Judicial Magistrate-II, Naugachhia.

Hence, their prayer for bail is refused.

(Birendra Kumar, J)

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