

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3860 of 2017

Arising Out of PS.Case No. -316 Year- 2014 Thana -FALKAHA District- KATIHAR

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Ghanshyam Sah @ Gholtu Sah, Son of Sitaram Sah, Resident of Village-
Bhangaha, P.S.- Falka(Pothia), District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 30-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Falka (Pothia)
P.S. Case No.316 of 2014 registered under Sections 302 and 380/34 of
the Indian Penal Code, pending in the court of the Additional Sessions
Judge-V, Katihar.

The accusation is that the petitioner having entered into the
thatched house of the informant hanged Mithun Kumar, the brother-in-
law of the informant, folding Saree on his neck, on the roof, resulting
into his death. When the informant reached there, she saw the
petitioner and one Lalita Devi present there, who also took away the
ornaments and cash from the house of the informant. The cause of
occurrence is said to be the land dispute.



Learned counsel appearing on behalf of the petitioner submits that due to land dispute, this petitioner and Lalita Devi, wife of Alam Sah, have falsely been implicated in this case. In fact, none has seen the occurrence. Further submission is that the co-accused Lalita Devi has already been granted bail by a coordinate Bench of this Court vide order dated 27.11.2015 passed in Criminal Misc. No.53688 of 2015. The petitioner is in jail custody since 08.12.2014. Moreover, it would appear from the case diary that except the informant, none has supported the prosecution case.

On the other hand, learned A.P.P. for the State while conceded the submission of the learned counsel for the petitioner to the effect that except the informant, none has supported the prosecution case in the case diary but submitted that in the post-mortem examination of the dead body of the deceased Mithun Kumar, the brother-in-law of the informant, the cause of his death has been shown as asphyxia due to throttling.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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