

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48805 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -GWALPARA District- MADHEPURA

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1. BIJALL SAH @ BIJAL SAH Son of Mataru Sah
2. Kallash Sah @ Kailash Sah @ Kailar Sah Son of Late Kuldeep Sah
Both are of Village- Majhuwa, Ward No.5, Panchayat Khokhshi PS-
Gwalpara District- Madhepura. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Ms. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-01-2017 Heard both sides.

The petitioners seek bail in Gwalpara P.S. Case 53/2016 (G.R. No. 515/2016) registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant, son of the deceased, alleged that he got information from his cousin Dipak Kumar that his father Kamleshwari Sah was killed at his Basa situated half kilometer away from his house. The informant went to the Basa and there his father was lying in the pool of blood. There was an injury on the left side of his head and blood was oozing out. The informant further alleged that on account of land dispute, Naresh Sah, Kailash Sah (petitioner no. 2), Bijli Sah (petitioner no. 1), Sadanand Sah, Salen Sah and Saken Sah killed his father.

Learned counsel for the petitioners submits that the



petitioners are innocent and there is no eye witness of the occurrence. On account of land dispute, the petitioners have falsely been implicated in the case. Similarly situated accused person Saken Sah has already been granted bail.

On the other hand, learned counsel appearing for the informant as well as learned A.P.P. has opposed the prayer for bail and submitted that the witnesses have stated that the petitioners killed the father of the informant but it appears that neither the informant nor any of the witnesses is an eye witness of the occurrence. On mere suspicion on account of land dispute, they said that the petitioners and others might have killed the father of the informant.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Udakishunganj, Dist. Madhepura in Gwalpara P.S. Case No. 53/2016 (G.R. No. 515/2016).

(Prabhat Kumar Jha, J)

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