

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38369 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -SIWAN RAIL P.S. District- SARAN

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Bangali Sah Son of Late Ram Chandra Sah Resident of Village - Majha
Garh Sudhasha Ke Tola, P.S. - Manha Garh, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.01.2017 in connection with Siwan (Thawe) Rail P.S. Case
No. 04 of 2017 for offences punishable under Sections
302/120(B)/307/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her brother-in-law (Nandoi) Rajesh Sah had called her
husband Ramashankar Sah on the pretext that the petitioner
was calling and thereafter both killed the informant's husband
by knife blow on the chest. It is alleged that the petitioner and



the co-accused Rajesh Sah (Nandoi) had dispute with the deceased as the petitioner had turned the sister of the deceased out of matrimonial house and there was a case pending between the parties.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye witness to the alleged occurrence and it is only on the basis of suspicion that the petitioner has been made accused. 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 said Rajesh Sah has confessed the guilt and Bangali Sah has also confessed before the police about the alleged occurrence and his complicity in the alleged occurrence. He submits that the postmortem report also specifies wound on the chest which was cause of the death 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 in connection with Siwan (Thawe) Rail P.S. Case No. 04 of 2017 pending in the court of learned



Additional Chief Judicial Magistrate, (Railway) Sonpur
(Saran).

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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