

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9667 of 2017

Arising Out of PS.Case No. -635 Year- 2016 Thana -BANKA District- BANKA

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1. Brajesh Sah @ Brajesh Kr. Sah @ Bittu Sah @ Bittu Son of Shankar Sah,
2. Shankar Sah, Son of Late Muneshwar Sah, Both resident of Village-
Gauripur Dudhari, P.S.- Banka, District- Banka.
3. Santosh Kumar@ Santosh Sah, S/o Mahendra Ram, Resident of
Village- Koriyasa, Police Station- Deogher, District- Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sri Khurshid Anwar
For Informant : Smt. Neelam Kumari.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 20-04-2017 The petitioners are in custody since 20.11.2016 in
connection with Banka P.S. Case No. 635 of 2016, registered for
offences punishable under Sections 302/34 Indian Penal Code.

Allegations against the petitioners that they in
connivance of other accused persons killed the grand son of the
informant.

It has been submitted on behalf of the petitioners that
petitioners has nothing to do with the death of the deceased as they
have taken the deceased for construction work, where the deceased
died due to snake biting and with the consent of the informant
dead body of the deceased was cremated. Further petitioners have



been made accused in this case due to the fact that they have paid Rs. Two Lakh as compensation to the husband of Mukhiya to give the same to deceased's family but since he did not give the said amount to them, petitioners have been implicated in this case. It has also been submitted that during the course of investigation, it has come that deceased died due to snake biting. Petitioners have no criminal antecedent and have been in judicial custody since 20.11.2016.

Heard learned A.P.P. as well as learned counsel for he Informant. Learned counsel for the informant vehemently opposed the prayer for bail and submitted that the deceased was taken away by the accused persons as they were aggrieved with the relationship of the deceased with the girl, with whom petitioner no. 1, was going to get married due to which, petitioners killed the deceased. Further the accused persons forcibly cremated the dead body of the deceased and also threatened the informant of dire consequences, if he proceeds with the case.

Having heard both sides, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to release the petitioners on bail. Hence their prayer for regular bail is, accordingly, rejected.

However, the trial court is directed to expedite the trial



and try to conclude it within a period of one year and if the trial is not concluded within the aforesaid period, the petitioner will be at liberty to renew his prayer for bail in the court below itself.

(Vinod Kumar Sinha, J)

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