

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11146 of 2017

Arising Out of PS.Case No. -176 Year- 2015 Thana -RAHIKA District- MADHUBANI

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1. Sunil Sah, son of Sitaram Sah, resident of Village/Mohalla- Laheriyaganj,
Ward No.1, P.S. and District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-04-2017 Heard both sides.

The petitioner seeks bail in Rahika P.S. case No. 176
of 2015, corresponding to Sessions Trial No. 90 of 2016, under
Section 302 and other Sections of the Indian Penal Code.

The informant, Brahmdeo Sah, alleged that on
24.11.2015 while he was sleeping in his newly constructed room
with his friend, Ankit Ranjan, Mahesh Mahto, Harikishun Sah,
Sunil Sah, the petitioner, Mangal Sah and Rajesh Sah, having
armed with Lathi, Danda and bottle of wine forced their entry into
the room and began to assault Ankit Ranjan. The accused persons
strangled Ankit Ranjan to death. When the informant protested,
the accused persons assaulted him.

The learned counsel for the petitioner submits that



there is omnibus and general allegation of assault against the petitioner. During the course of investigation the witnesses have made omnibus and general allegation. The petitioner has got no enmity with the deceased. Harikishun Sah has enmity with the deceased. Similarly situated accused Mangal Sah, Harikishun Sah and Mahesh Mahto have been granted bail by different benches of this court vide orders passed in Cr. Misc. Nos. 20064 of 2016, 21082 of 2016 and in Cr. Misc. No. 21062 of 2016 respectively. The case of petitioner stands on the same footing but from perusal of the statement of informant as well as of other witnesses, it appears that the informant has made very specific allegation against the petitioner and others that they forced their entry into the room and assaulted the deceased, Ankit Ranjan, and thereafter strangled him to death. When the informant objected, the petitioner and others assaulted him. From perusal of the post mortem report, it appears that the deceased got many injuries on his body and he was strangled to death.

Considering the nature of allegation made against the petitioner that petitioner and others brutally assaulted the deceased and after catching him strangled him to death, I am not persuaded to grant bail to the petitioner. Accordingly, the same is rejected.



The trial court is directed to expedite the trial, hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order.

If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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