

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20104 of 2018

Arising Out of PS.Case No. -304 Year- 2017 Thana -BAUNSI District- BANKA

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Shambhu Sah S/o Krishnmohan Sah, R/o Village- Kushmaha, P.S.- Bounsi,
District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhya Singh
Ms. Neelam Kumari

For the Opposite Party/s : Mr. Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-06-2018

Heard.

The petitioner seeks regular bail in connection with
Bounsi P.S. Case No. 304 of 2017 for the offences punishable
under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner is that on
12.12.2017 when the informant, after completing his house
construction work, was arranging and keeping the spade Karhai
near by his house alongwith his son, the petitioner and other
accused persons dragged the husband of the informant and
confined him in the house of Binoy Sah and locked the door of the
house. It is alleged that the deceased was then assaulted and fired
upon resulting in his death.

The learned counsel for the petitioner has referred to



the statement of Chanda Devi recorded under section 164 Cr.P.C. to contend that it was Shekhar Shah who has fired on the deceased Munish Shah resulting in his death after falling on the ground. It is submitted that the said gun shot injury has caused the death of the deceased.

The learned counsel for the petitioner has further submitted that the actual motive for falsely implicating the petitioner in the present case is the Bounsi P.S. Case No. 157 of 2015 lodged by the cousin of the petitioner against the deceased and his son.

Per contra, the learned counsel for the informant has submitted that the statement of the aforesaid Chanda Devi recorded under section 164 Cr.P.C. is of no help to the petitioner inasmuch as it is not denied that the accused persons including the petitioner had assaulted and inflicted gun shot injury on the deceased resulting in his death, inasmuch as the postmortem report shows details of various injuries inflicted on the deceased which also includes grievous cut injuries apart from gun shot injury on the neck and the doctor has opined that all the aforesaid injuries numbering five have resulted in the death of the deceased.

Having regard to the facts and circumstances of the case, as also the fact that gruesome murder of the deceased has



taken place in which the complicity of the petitioner and other accused persons is writ large, I do not find that the present case is a fit case for grant of regular bail, hence the prayer of the petitioner for grant of regular bail is rejected.

(Mohit Kumar Shah, J)

BTiwary/-Md Rashid

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