

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5851 of 2019

Arising Out of PS. Case No.-203 Year-2014 Thana- DHAMDAHA District- Purnia

Ashok Sah @ Ashok Sahagal, S/o Late Saheb Ram Sah Resident of Village-
Singhiya Makandpur, P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shally Kumari

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
31.08.2018 in connection with Dhamdaha P.S. Case No.203 of
2014 registered for the offences punishable under Sections 279,
304(A) of the Indian Penal Code. Later on Sections 302, 467,
468, 120(B) of IPC have been added.

Prosecution case as per the fardbeyan of Vikas Kumar
Gupta recorded by S.I., R.P. Paswan of Dhamdaha P.S. on
12.08.2014 at 1:15 P.M. is to the effect that the brother of the
informant was going by motorcycle from his village to Purnea
and on the way one white coloured Bolero vehicle bearing
Registration number JH-20A-7112 dashed him and the driver of
the said vehicle escaped from the place. Subsequently, the



brother of the informant was taken to the Dhamdaha Referral hospital, from where he was referred to Purnea Sadar hospital and on the way to the hospital, he succumb to the injuries. On the basis of confessional statement of Kamal Kishore Gupta, the petitioner has been made accused in the present case. The petitioner has inimical terms with his uncle Kamal Kishore Gupta and in the background of land dispute, being Title Suit No.460 of 2000, accusation has been levelled. The petitioner is the brother-in-law of Kamal Kishore Gupta. During investigation, it has also transpired that the vehicle by which the victim was being dashed, was the stolen one.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion and on the basis of confessional statement of the co-accused, Kamal Kishore Gupta, the petitioner has been made accused in the present case. The co-accused Kamal Kishore Gupta has been granted bail by coordinate Bench of this Court vide order dated 22.09.2015 passed in Cr. Misc. No.19491 of 2015. The petitioner is accused in two other cases but in both the cases, he has been acquitted.

Learned A.P.P. submits that the petitioner's name sprang up during investigation as the person who participated in the commission of the offence in which the victim was dashed.



Considering the fact that the name of the petitioner sprang up on the basis of confessional statement of co-accused who has been granted bail and the investigation has already been concluded, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No.203 of 2014.

(Dinesh Kumar Singh, J)

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