

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10394 of 2019

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

ANIL SAH, aged about 34 years (Male), Son of Krishna Mohan Sah,
Resident of Village and P.O.- Kushmaha, P.S.- Bounsi, District- Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pranav Kumar, Advocate.
For the Opposite Party : Mr.Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
15.10.2018 in a case for the offence registered under Sections
302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that while the
husband (Munish Sah) and son of the informant was
constructing boundary wall, Shekhar Sah, Shambhu Sah and
Anil Sah (petitioner) caught hold her husband and said that he is
responsible for killing of his widow sister and now nobody can
save him. Thereafter, on the order of Dablu Sah, Guddu Sah @
Sintu Sah her husband was dragged into the house of Binay Sah
by Shekhar Sah, Shambhu Sah and Anil Sah and locked the
door. The informant raised hulla, upon which, Dablu Sah and



Guddu Sah @ Sintu Sah abused her and pushed her son. Thereafter she called the Chowkidar and opened the door and saw that her husband has been killed by sharp cutting weapon by cutting his neck and by causing bullet injury near his left side of stomach by Shekhar Sah, Shambhu Sah and Anil Sah (petitioner). The reason behind the occurrence is that the sister of the accused Baby Devi was killed in the year 2015 by some one in which her husband was made accused and in order to take revenge her husband has been killed by accused persons.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The informant is not an eye witness to the alleged manner of occurrence. One Chanda Devi, who is sole witness to the manner of occurrence, as the occurrence is said to have taken place in her house. As per her statement recorded under Section 164 Cr. P.C. she has not named this petitioner and specific allegation of firing is alleged against co-accused Shekhar Sah.

On behalf of the learned counsel for the State, it has



been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Banka, in connection with Bounsi P.S. Case No. 304 of 2017.

(Sudhir Singh, J)

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