

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22825 of 2019

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

SHAMBHU SAH Son of Krishnmohan Sah, Resident of Village and P.O.-
Kushmaha, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-09-2019 Heard the learned Senior Counsel for the petitioner and
the learned APP for the State.

The present petition has been filed for grant of regular bail in connection with Bounsi P.S. Case No. 304 of 2017 under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act and is a second attempt by the petitioner herein for grant of regular bail inasmuch as the earlier petition of the petitioner had been rejected by an order dated 29.6.2018 passed in Criminal Miscellaneous No. 20104 of 2018.

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 Senior Counsel for the petitioner has submitted that this Court had granted bail to the co-accused person, namely, Dablu Sah by an order dated 21.2.2019 passed in Criminal Miscellaneous No. 10598 of 2019.

Having considered the submissions made by the learned Senior Counsel for the petitioner, I find that this Court had granted bail to Dablu Sah, by an order dated 21.2.2019, for the reason that in the statement of the witness Chanda Devi, the owner of the house where the assault had taken place, recorded under Section 164 Cr.PC, the said witness had not taken the name of the said Dablu Sah, however, a bare perusal of the said statement of Chanda Devi would show that she has definitely named the petitioner herein as the person who had assaulted the deceased, hence, grant of bail to the co-accused, namely, Dablu Sah is of no help to the petitioner herein. In this connection, it would be relevant to reproduce hereinebelow the relevant portion of the earlier order dated 29.6.2018 passed by this Court in Criminal Miscellaneous No. 20104 of 2018:-

*“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 considered the facts and circumstances of the case as also there being no change in circumstance from the date the prayer of the petitioner for grant of regular bail was rejected by this Court by an order dated 29.6.2018 till date and considering the fact that the petitioner's complicity in the gruesome murder of the deceased is writ large from the records of this case, I do not find any reason to reconsider the prayer of the petitioner for grant of regular bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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