

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63605 of 2018

Arising Out of PS. Case No.-307 Year-2018 Thana- DUMRA District- Sitamarhi

1. Shambhu Sah,
2. Santosh Kumar Sah @ Santosh Sah, Both Son of Ramdeep Sah, Resident of Village- Subhai, P.O. Prem Nagar, P.S. Dumra, District- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Manoj Kumar - 1

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Dumra P.S. Case no. 307 of 2018, registered
under Section 302/34 of the Indian Penal Code.

The accusation is that on 08.08.2018 at 6.30 A.M.
informant Satnarayan Saw along with his sons, namely, Ganesh
Sah, Suresh Sah and Brajesh Sah were also present at grocery
shop, some labourers were also present inside the shop. At that
time, three persons came on motorcycle, out of which, two got
down from the motorcycle and inquired about the rate of
potato. In the meantime, the person, who was on the
motorcycle started quarreling saying that why he is harassing



the petitioners. Thereafter, Ganesh Sah, son of the informant, tried to move from the chair, but one person forcibly put him on chair and other shot fire on him and all of them fled away after boarding on the motorcycle.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that miscreants had come on the shop of informant and committed murder after query of price of potato and they also stated that why petitioners are being harassed, but in course of investigation, out of three two persons were apprehended by the Police, who disclosed their names as Santosh and Roshan, who confessed their guilt in their confessional statement as detailed at paragraph Nos. 68 and 69 and both admitted that both are men of one Kashim, who financed them to kill the deceased, but both have not whispered anything about the petitioners.

On the other hand, learned counsel appearing for the informant opposed the prayer for bail of the petitioners, but fairly submits that both Santosh and Roshan, who were apprehended by the Police in course of investigation while confessing his guilt have not stated having hand in the murder of deceased and they also disclosed that they were financed by one Kashim to commit the murder of deceased.



Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 307 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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