

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59757 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

SAURABH KUMAR SAH @ SUMANT SAH @ SAURABH KUMAR Son of Suman Sah Resident of Village- Alalpatti, P.S.- Laheria Sarai (Benta OP), District- Darbhanga, wrongly mentioned in FIR as Resident of Village- Rasalpur, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67882 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

SHYAM KUMAR SAH Son of Raju Sah Resident of Village - Rasalpur Khurd, P.O.- D.M.C Dharnipatti, P.S.- Laheriasarai, District - Darbhanga. At present resident of mohalla - Alalpatti, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59757 of 2019)

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Shyam Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 67882 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 26-11-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the informant is also present.

The petitioners are in custody since 10.06.2019 &
23.05.2019 in connection with Laheriasarai P.S. Case No. 175



of 2019 for the offence registered under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that admittedly, the informant is not the eye witness of the occurrence and he appears to have developed his story and named the present petitioners. It is further submitted that the allegation against these petitioners are of having caught hold the deceased while Sonu Kumar had repeatedly stabbed him. It is further submitted that though it is stated in the first information report, the allegation appears to be under a cloud and has been developed subsequently after hearing the stories of others.

Learned counsel for the informant, however, controverts the said statement of learned counsel for the petitioners and submits that it is at the very first instance that the name of the petitioners as having participated actively in the crime has been stated elaborately and clearly and had these two petitioners not caught hold of the deceased perhaps he could have escaped. It is further submitted that the statement as narrated in the first information report stands corroborated by the statement of other eye witnesses, who have fully supported the prosecution case

Considering the aforesaid facts and circumstances of



the case and that the petitioners appear to have actively participated in the crime which led to the killing of the son of the informant, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

Let the trial of the case be expedited so as to conclude positively within a period of one year from today.

(Anjana Mishra, J)

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