

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7213 of 2020

Arising Out of PS. Case No.-122 Year-2019 Thana- ANDHRAMATH District- Madhubani

PRAMOD SAH @ PRAMOD KUMAR SAH Son of Late Ram Das Sah
Resident of Village-Bagoba, P.S-Andaramath, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance

For the Petitioner : Mr. Rama Kant Sharma, Senior Advocate
Mr. Rajesh Kumar, Adv.

For the State : Dr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-05-2020 Heard learned counsel for the petitioner and learned A.P.P
for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Andhramath P.S. Case no. 122 of 2019 registered under section 302 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., it is stated by the informant that on the night of occurrence when every one was asleep, wife of his younger brother raised 'hulla' that someone had shot father and had escaped. Father of the informant had a bullet injury in his head and had died. It is stated that no person had seen as to who had fired the said bullet. It is further stated that one Munni Lal Sah who is a neighbour right across house of the



informant stated that on hearing the sound of firing he had come out and had seen a boy running away but neither could he see his face nor could he say as to who had fired. He could also not say as to what would be his age. It is stated by the informant that they have no enmity with any person.

It is submitted by learned Senior counsel appearing for the petitioner that the name of the petitioner transpired eight days after lodging of the F.I.R. in the restatement of the informant before police wherein he states that his father had taken a sum of Rs.5 lacs as loan from the petitioner which he was demanding. It is further submitted that the said statement having been made eight days after the occurrence, carries no weight. No incriminating article has been recovered from the conscious possession of the petitioner who is in custody since 11.10.2019.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the contents of the F.I.R. and the delay in the restatement of the informant wherein he takes the name of the petitioner, this Court is inclined to enlarge the petitioner on bail.



The petitioner is directed to be enlarged on bail in connection with Andhramath P.S. Case no. 122 of 2019 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani.

(Partha Sarthy, J)

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