

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16244 of 2020

Arising Out of PS. Case No.-1048 Year-2019 Thana- SAHARSA District- Saharsa

SHAMBHU SAH Son of Late Sito Sah Resident of Village - Hario, P.S. -
Simri Bakhtiarpur (Balwa Hat O.P.), District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-07-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Saharsa P.S. Case No.1048 of 2019 registered for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is in custody since 26.11.2019. The informant's wife has allegedly been shot dead. It is alleged in the First Information Report that the miscreants had shot dead the deceased at the instigation of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that the informant and the petitioner are close agnates and dispute in respect of property is going on between them. He has further submitted that the police, upon conclusion of investigation, did not find any material against the petitioner and did not choose to send the petitioner up for trial.



However, differing with the opinion of the police, the Court below has taken cognizance and proceeded against the petitioner.

Learned counsel for the informant has vehemently opposed the prayer for bail.

Be that as it may, considering the circumstance that according to the police, no sufficient material could be collected in course of investigation for putting the petitioner on trial and since the petitioner is in custody since 26.11.2019, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, in Saharsa Sadar P.S. Case No. 1048 of 2019.

(Chakradhari Sharan Singh, J)

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