

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22212 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Madan Sah Son of Late Saudagar Sah, Resident of Village-Kaswa Kadamwa,
P.S-Ghorasahan, District-East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari
For the Opposite Party/s : Dr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 16-12-2020 Heard learned counsel for the petitioner and learned
counsel for the State through Video Conferencing.

In this case, the petitioner is seeking anticipatory bail
in connection with Ghorasahan P.S. Case No. 92 of 2019
registered for offence punishable under sections 302, 120B/34
of the Indian Penal Code.

Allegation has been made that on 18.03.2019
(Monday) at about 12.30 P.M. the younger brother of the
informant, namely, Shambhu Prasad Rai and Siyaram Mahto
went to Ghorasahan Block office for necessary work by saying
that he will return soon. It has further been alleged that after the
work of the Block office, he came out on the road in front of the
gate, in the meantime, the accused persons namely, Awadhesh



Sah, Madan Sah, Pradeep Sah and Suman Saurabh all the four came on motor cycles and fired which hit on the head of his younger brother, Shambhu Prasad Rai. Looking to the incident, Siyaram Mahto, brother of the informant caught hold Awadhesh Sah and put him down on the earth, in the meantime, Madan Sah opened fire on Siyaram Mahto which unfortunately missed then Suman Saurabh fired on the temple of Siyaram Mahto.

Earlier, the petitioner had moved before this Court in Cr. Misc. No. 6714 of 2020 and the same has been dismissed, vide order dated 28.02.2020.

This Court has perused the case diary and F.I.R also. Witnesses have come forward and supported the prosecution case in which the petitioner has been attributed to have fired upon the person and one person died.

Looking to the entirety of the matter, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected.

As the counsel for the petitioner submits that already one application has been filed on the point of framing of charge, this Court does have any occasion to see the movement of the file, but if such application has been filed, the court below will consider the application as per the law, not de hors to it and take



decision in accordance with law. This Court also directs the court below to expedite the trial and conclude the same at the earliest. This Court also directs the court below if the petitioner and others will cooperate in disposal of the trial, it should be completed within one year from the date the normal court proceeding would start.

This order has been passed in presence of Dr. Ajit Kumar, learned counsel for the State.

(Shivaji Pandey, J)

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