

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28401 of 2020

Arising Out of PS. Case No.-141 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. Raushan Sah S/o Shambhu Sah R/o Village- Miya Pakri, P.S.- Kanti, District- Muzaffarpur.
 2. Bhola Sah S/o Late Lala Sah R/o Village- Miya Pakri, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Alok Kumar Alok, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-11-2020 Heard learned counsel for the petitioners as well
as learned counsel for the State through video conferencing.

The petitioners seek bail in Kanti Police Station
Case No. 141 of 2020 registered for the offences punishable
under sections 302/34 of the Indian Penal Code.

The informant in his FIR has alleged that on
10.3.2020 at about 7.30 pm petitioner no 2 came to his
house and took his brother Ramesh Sah with him towards



the eastern side by his cycle and just after half an hour his wife told him that someone has stabbed his brother. On hearing this information, the informant immediately reached the place of occurrence and saw that his brother was bleeding. He was brought to Sadar Hospital from where he was referred to Shrikrishna Medical College & Hospital, Muzaffarpur. En route, he told the informant that Raushan Sah(petitioner no.1) stabbed him and escaped. The victim died in the SKMCH, Muzaffarpur. There was some dispute between the said Raushan Sah and the deceased.

Learned counsel for the petitioners submits that there is no eye witness to the occurrence and merely on suspicion he has been roped in this case on the basis of previous enmity. Petitioners are in custody since 12.3.2020.

Learned counsel for the State opposes the prayer for bail and submits that there is clear allegation in the FIR that it was petitioner no.2 who took the victim with him and just after 30 minutes thereafter the information of stabbing was received. In respect of petitioner no.1, the victim himself told the informant that it was petitioner no.1 who stabbed him. Post mortem report also supports the prosecution case as the ante mortem injury found on the



body of the victim was caused by sharp cutting weapon.

In view of the nature as well as the gravity of the offence alleged in the FIR, prayer for bail of both the petitioners is refused.

(Prabhat Kumar Singh, J)

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