

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46 of 2020

Arising Out of PS. Case No.-176 Year-2019 Thana- PANDAUL District- Madhubani

SUSHIL SAH Son of Ramu Sah Resident of Village- Sarishav Pahi, P.S.-
Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-01-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pandaul P.S. Case No. 176 of 2019 for the offence registered
under Sections 307/34 of the Indian Penal Code and Section 27
of the Arms Act.

The case of the prosecution in brief is that on the
alleged date and time of occurrence while the informant was
going to his home after taking tea from Hotel Jaika in the night
at about 09.30 P.M. and when he had reached near the house
one Rameshwar Jha, the accused persons including the
petitioner herein had come on a motorcycle and stopped near
him whereafter the petitioner is stated to have shot the
informant in his abdomen.

The learned counsel for the petitioner has submitted



that the petitioner has been falsely implicated in the present case. It is submitted that though the petitioner is an accused in four other cases but he is on bail in the said cases. Lastly, it is submitted that the petitioner is languishing in custody since 02.08.2019.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioner, this Court finds that the petitioner is the main assailant who is stated to have fired in the abdomen of the informant and a bare perusal of the impugned order dated 29.11.2019 would show that the injury report shows that the injury was caused by fire arm and the pellet is still lodged in the abdomen and, moreover, the petitioner is accused in four other cases, hence this Court is of the view that since the petitioner is alleged to have committed a grievous offence and moreover, the petitioner is having a bad antecedent, it would not be in the interest of the society to enlarge such a person on regular bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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