

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 2195 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- SHIVSAGAR District- Rohtas

SATENDRA PATHAK @ SATENDRA KUMAR PATHAK Son of Late Raj Narayan Pathak Resident of Village - Anantpura, P.S.- Shivsagar, Distt.- Rohtas, (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-03-2020 Heard learned counsel for the petitioner, learned counsel representing the informant and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sheosagar P.S. Case No. 254 of 2019 registered for the offence punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioner submits that although the petitioner is named in the first information report but on perusal thereof, it would appear that the fatal shot was fired by co-accused Narendra Pathak. Learned counsel submits that although there is allegation that all the accused had fired but there is only one injury noticed in the post mortem of the



deceased which can be attributed to the co-accused Narendra Pathak which seems to be false implication of all the family members because of the previous enmity as the parties are co-villagers. It is submitted that in two cases lodged against the petitioner, he is on bail as stated in paragraph '3' of the application.

Learned counsel for the informant has opposed the prayer for regular bail of the petitioner as the petitioner had participated in the alleged occurrence in which the father of the informant was killed. It is the submission that he was a witness in Sheosagar P.S. Case No. 376 of 2018 and Sheosagar P.S. Case No. 97 of 2017 in which the petitioner is an accused. It is his submission that if the petitioner is released at this stage there are chances of killing of the witnesses.

Learned counsel, however submits that the present stage of cases stated in paragraph '3' are not known to him.

Considering the facts and circumstances of the case wherein although it appears from the first information report that there is no allegation of giving the fatal shot to the father of the informant by this petitioner but in the nature of his submission where it has been informed to this Court that father of the informant was the witness in the two cases stated in



paragraph '3' of the application in which this petitioner is also an accused and then he has been killed and in the said occurrence this petitioner has also participated, since those cases are going on and it has been submitted that release of the petitioner is likely to interfere with the course of trial in these two cases as one of the witnesses has already been killed, at this stage this Court is not willing to enlarge the petitioner on bail. The petitioner may renew his prayer for bail in the present case after closure of evidence on behalf of prosecution.

The application is dismissed at this stage.

(Rajeev Ranjan Prasad, J)

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