

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14699 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- KOTWA District- East Champaran

Santosh Sah son of Prayag Sah (Male) aged about 33 years, Resident of village-Banvirwa @ Banbirawa, Police Station- Kotwa, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Syed Firoz Raza, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Kotwa PS Case No. 257 of 2020, instituted for the offence under Sections 302 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(2)(iv)(v)



SC/ST Act.

It is alleged that the petitioner had started calling the name of the informant's brother at the house of the informant. The brother of the informant has come out of the house to give drinking water to the petitioner. He has allegedly been shot at by the petitioner at the top of the left eye and had succumbed to the firearm injuries. Two persons, namely Birju Paswan and Rooplal Paswan allegedly have come out of the house and identified the petitioner fleeing away.

The learned counsel for the petitioner submits that the identification is unreliable as it was late in the night and, if at all, they had seen the petitioner fleeing away, they would have witnessed it from behind and could not have identified the perpetrator (petitioner). Having no criminal antecedents, the petitioner is in custody since 07.10.2020.

Case diary had earlier been requisitioned.

As per learned APP several witnesses have supported the allegations. The Investigating Officer also in the investigation has found empty cartridges from the alleged place of occurrence. The informant, as per the prosecution case, knows the petitioner and has identified him by his voice, and has seen the brother go out to give the drinking water to the perpetrator



(petitioner). Killing has been done at the door of the informant.

In view of the heinous nature of offence, this Court, for the present, is not inclined to extend the privilege of bail to the petitioner.

Petition is rejected.

shyambihari/-

(Madhuresh Prasad, J)

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