

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32276 of 2020

Arising Out of PS. Case No.-92 Year-2019 Thana- MANSI District- Khagaria

RAJESH SAH, Son of Late Chunchun Sah @ Bengo Sah, Resident of
Village- Rohiyar, P.S.- Mansi, District- Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party : Mr. Praveen Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-03-2021 As prayed for, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 28.11.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks pre-arrest bail in connection with Mansi P.S. Case No. 92 of 2019, registered under Sections 302 and 392 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that in the evening of 19.05.2019, the informant, Prem Chandra Kumar, proceeded from his village Rohiyar for Saharsa for boarding in Kosi Express train at Saharsa Railway Station, but, till late night he could not reach Saharsa, then, he called on his mobile to his brother, Shashi Bhushan, but, his brother did not receive the phone. On the next



morning, he received information from villager that his brother, Shashi Bhushan, has been killed by gun shot injury at Maijro Chowk, then, he along with his villagers reached there and found the dead body of his brother, Shashi Bhushan, sustaining gun shot injury. Near his dead body two empty cartridges were also found and the motorcycle of his brother was also laying there. The villagers, Sharavan Sah and Murli Sah, informed him that in the preceding evening they had given Rs.3,50,000/- to his brother, Shashi Bhushan, for execution of the sale deed. The informant showed his ignorance about the miscreants indulged in causing injury through fire arm to his brother.

Submission is that on the basis of the fardbeyan of Prem Chandra Kumar, Mansi P.S. Case No. 92 of 2019 was instituted on 20.05.2019 under Sections 302 and 392 of the Indian Penal Code and 27 of the Arms Act. In course of investigation, some witnesses have stated that the petitioner and some others were seen near the place of occurrence and except that nothing has been collected by the investigating officer to show involvement of the petitioner. Further, submission is that petitioner and informant are co-villagers, on mere suspicion the petitioner has been implicated in this case along with others. The similarly situated co-accused, Kiran Sah and Bikash Kumar



@ Bikash Sah, whose names have also been disclosed by the witnesses, later on, in course of investigation, have already been allowed the privilege of pre-arrest bail vide order, dated 23.06.2020, in Cr. Misc. No. 13351 of 2020.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Mansi P.S. Case No. 92 of 2019 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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