

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43366 of 2021

Arising Out of PS. Case No.-7 Year-2018 Thana- BAGENGOLA District- Buxar

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Sanju Musahar @ Sanju Mushar Son Of Saral Mushar Chhotka Mushar R/O
Village- Ekraasi, P.S- Bagen Golla, Dist- Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 15-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Ms. Asha Kumari, the learned APP for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Bagengola PS case no. 7 of 2018 under Sections 307, 302 and other allied sections of Indian Penal Code.

The allegation as per the informant is that on 02.03.2014



while he was selling fish and chicken at the shop, his relative had come there and in the meantime, accused persons including the petitioner herein had also arrived there, whereafter the accused persons started abusing the informant and beating him as a result whereof the informant was injured. It is the further case of the informant that when his younger brother got information about the incident, he came and started taking the informant to the house of Saral Mushar for making complaint, however, on the way, near the shop of Pintu Yadav, the said accused persons started beating the brother of the informant and as far as the petitioner is concerned, he is said to have hit the brother of the informant on the left neck by a knife and had inserted the knife, deep inside the left neck resulting in the informant becoming unconscious and subsequently, when he was taken to the hospital, he was declared dead.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 07.03.2018, however there is no possibility of completion of trial in the near future. The learned counsel for the petitioner has also referred to certain depositions of the witnesses examined by the learned trial court in the on-going trial to show the discrepancy between the materials available on record i.e. F.I.R. and the depositions



of the witnesses.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record. I find that the petitioner is stated to have stabbed knife on the neck of the brother of the informant resulting in his death, hence I find that there is direct allegation of gruesome murder being committed by the petitioner herein and moreover, there is no change in circumstance so as to re-consider the prayer of the petitioner for grant of bail, thus I do not find any merit in the present case, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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