

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36489 of 2020

Arising Out of PS. Case No.-62 Year-2019 Thana- SAKRI District- Madhubani

Om Sah, aged about 27 years, Gender-Male, son of Sidheshekhar Sah,
Resident of- Sakri Purani Bazar, P.S.- Sakri, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ravindra Kumar Singh, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

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

The petitioner seeks bail in a case registered for the
offence under Sections 365/34 of the I.P.C. in which charge
sheet has been submitted under Sections 302 and 201 of the
I.P.C.

The prosecution story, in brief, is that on 22.04.2019
the petitioner alongwith his Scorpio vehicle driver assaulted the
son of the informant, namely, Raja Kumar Choudhary, as his
Motorcycle touched the petitioner's vehicle. They also
threatened his son to kill him from *Barati*. When his son



reached at the house of Surendra Sahani at Taarsarai there was pain in the stomach so he was kept on the *Thela* on the road by Narayan Sahani and Santosh Sahani where he slept. Om Sah (petitioner) and his driver Md. Gulrej were also in the *Betel shop* and after sometime when Narayan Sahani and other people came back after taking meal then his son Raja Kumar Choudhary was not on *Thela* there and that Om Sah (petitioner) and his driver Md. Gulrej were also not there.

This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 47859 of 2019 under order dated 27.09.2019 by a Bench of this Court, annexed as Annexure-1 to the present application, taking into account that in course of investigation, apprehended co-accused Md. Gulrej in his confession had admitted that he alongwith Om Sah (petitioner) had killed the deceased and on his confession also the car used in the occurrence was said to have been recovered. The said car belonged to Om Sah (petitioner). The confession had led to recovery of car used in the occurrence.

A report was called for from the court below regarding the present stage of the case. It has been reported that



the present case is fixed for argument and the trial is likely to be concluded within a period of one month.

Considering the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sakri P.S. Case No. 62 of 2019, corresponding to CRI No. 689 of 2019 and S.T. No. 338 of 2019, pending in the court of learned Additional Sessions Judge-IV, Madhubani.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of two months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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