

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37349 of 2020

Arising Out of PS. Case No.-366 Year-2019 Thana- SAHARSA District- Saharsa

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GANGO HALWAI @ GANGO SAH Son of Upendra Sah Resident of
Village- Hakpara, P.S.- Saharsa, Distt- Saharsa at present Kachahari, Dhala
Saharsa, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-03-2021 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Dinesh
Singh.

The petitioner seeks regular bail in
connection with Saharsa Sadar P.S. Case No. 366
of 2019, registered for the offence punishable
under Sections 302/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The allegation is regarding the son of the
informant having been killed by the accused
persons under a conspiracy hatched by them.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, he has



been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 17.07.2020. The learned counsel for the petitioner has further submitted that there is no eye-witness to the alleged occurrence and the name of the petitioner has transpired in the present case merely upon confessional statement having been made by the daughter-in-law of the informant.

Per contra, the learned APP for the State, Sri Dinesh Kumar, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that there is minuscule evidence available in the case diary so as to connect the petitioner with the alleged crime and moreover, there is no eye-witness to the alleged occurrence and the



petitioner has been roped in the present case merely on suspicion, apart from the fact that he is having a clean antecedent and he is languishing in custody since about one and a half years, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 366 of 2019.

(Mohit Kumar Shah, J)

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