

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44450 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- BARGAINIA District- Sitamarhi

ETISH ROY @ SATISH RAY S/o Shubh Narayan Rai Resident of Village-
Manha Alam Ward No.18, P.S.- Barganiya, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prasad Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Bairganja P.S. Case No.201 of 2020 registered for the offence punishable under Section 302, 201/34 of the IPC.

The prosecution case in short is that on 05.11.2020 accused persons namely, Ramsray Sah and Raj Kishore Sah, Bhukhu Sah, Sanjiv Sah Son of Ramsray Sah. Etish Rai, Subhash Rai both sons of Subh Narayan Rai, Mishesh Pandit, Munna Pandit, both son of Jai Narayan Pandit, Chandan Paswan, Nandan Paswan both son of late Dinkar Paswan, Shrist



Das, Mohan Pandit, son of Nathu Pandit, Ramu Pandit Son of Yogendra Pandit. Emrit Das all resident of village Masha Alam ward no.18, Nagar Panchayat Bairgania, District Sitamarhi came to call his brother Subodh Kumar Sah to have some discussion for upcoming election scheduled. Thereafter, the informant slept and on the next morning on 06.11.2020, he heard villagers talking that his brother Subodh Sah has been killed and his dead body is thrown in the Bamboo Orchard of Nathuni Sah. Therefore, he went at the place of occurrence and found his brother was killed or murdered by some people and his dead body was thrown with intention to hide the evidence of murder. Thereby he has alleged that all these people as mentioned above have murdered his brother and have thrown the dead body. Accordingly, he gave the information to police administration and the said occurrence has been seen by co-villagers also.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that only on the basis of the suspicion the name of the petitioner has been implicated in the present case. He further submits that there is general and omnibus allegation



and there is no eye witness of the alleged occurrence.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has opposed the prayer for bail of the petitioner and submits that in para-5 of the case diary, the witness has stated that she is the eye witness and she categorically stated that the petitioner and other co-accused persons assaulted the victim by lathi and iron rod.

Learned counsel for the petitioner submits that co-accused, namely, Mukesh Pandit @ Mishesh Pandit has been granted bail vide order dated 28.02.2022 in Cr. Misc. No.37761 of 2021 by this Hon'ble Court.

Learned A.P.P. for the State further submits that the case of co-accused, namely, Mukesh Pandit @ Mishesh Pandit is on different footing. He further submits that nothing has come against co-accused, namely, Mukesh Pandit @ Mishesh Pandit and there is sufficient material against the present petitioner in the case diary.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Bairgania P.S. Case No.201 of 2020 pending in the court of learned C.J.M., Sitamarhi.

Prayer is refused.



However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

Nitesh/-

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