

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60881 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

SANJAY SAH SON OF RAMASHISH SAH Resident of Village-
Jahangirpur, P.S.- Shyampur Bhataha, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Kumar Mr. Amarnath Kumar
For the State	:	Mr.Md. Fahimuddin
For the informant	:	Mr. Ajit Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-05-2023 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail in connection with
Tariyani Police Station Case No. 201 of 2021, dated 19.08.2021,
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the father of the deceased got a phone call from
the brother-in-law of the deceased that his son (deceased) has
been shot by unknown person. Upon this information, the
informant proceeded, took his son to the hospital, where he
succumbed to the injury.



Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and the First Information Report has been lodged against unknown person. He further submits that during the course of investigation, the mother of the deceased has made statement that there is possibility that co-accused Suraj Sah and his henchmen must have killed her son due to some land dispute between her son and those persons. He further submit that th deceased had given an advance of Rs. 5,00,000/- in favour of co-accused Suraj Sah, for purchasing a piece of land, but the mother of co-accused Suraj Sah, instead of selling the land to the deceased, has sold the same to some other persons on throw-way price. The deceased was interested in purchasing this piece of land. He further submits that except the suspicion being raised by the mother of the deceased, no material has come against the petitioner and there is no eye-witness to the alleged killing. He further submits that the petitioner is in custody since 25.05.2022 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits



that the petitioner, along with others, gave contract for killing the deceased and hired contract killer for this purpose, gave Rs. 5,00,00/- to them. He further submits that the anticipatory bail application of co-accused Suraj Sah has been rejected by a co-ordinate Bench of this Court.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that there is no allegation against the petitioner and his name has come during the course of investigation on the basis of suspicion being raised by the mother of the deceased, charge sheet has already been submitted and the petitioner is in custody since 25.05.2022, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Tariyani Police Station Case No. 201 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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