

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66842 of 2024

Arising Out of PS. Case No.-270 Year-2023 Thana- JADIA District- Supaul

Shambhu Sah @ Sambhu Sah S/o Shivsundar Sah @ Shyam Sunder Sah R/o
vill - Parmanandpur, P.S. - Shrinagar, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

12 06-08-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for
the offences punishable under Sections 302, 201, 120(B), 34 of
the Indian Penal Code.

3. The case of the prosecution as disclosed in the
FIR is that upon information that a dead body has been
recovered near the canal in a very bad condition, the informant
reached the place and found that his son had been assaulted with
sharp cutting weapons and the entire narration in the FIR shows
how brutally he has been murdered and thrown in the canal. It
has further been alleged that some sharp cutting instruments and
other articles were also found at the place of occurrence. It has
also been alleged that a few days back, the deceased had
disclosed to the informant that there was some dispute existing



with the accused persons named in the FIR including the petitioner with regard to transaction of money. The informant, therefore, strongly suspected that his son had been called to their house and under a conspiracy, all the five named accused persons including the present petitioner had brutally assaulted the deceased and thrown his dead body in the canal.

4. Learned counsel for the petitioner submits that it would be apparent from the FIR itself that only a suspicion has been raised upon all the accused persons including the present petitioner. It is further submitted that there is no eye witness to the alleged occurrence. Further, it is pointed out that the occurrence had taken place on 01.11.2023 at 9:00AM in the morning whereas the FIR has been lodged on 02.11.2023 at 6:30PM without giving any plausible reason for the delay of about one day. It is further submitted that after completion of the investigation, the Investigating Officer has found no evidence against the petitioner but malafidely he has submitted the charge-sheet against the petitioner. Further, the petitioner was remanded in this case on 20.03.2024 and since then he is in custody.

5. Learned APP for the State and learned counsel appearing for the informant, however, vehemently oppose the



grant of bail to the petitioner. Besides the fact that during the course of investigation, the petitioner has confessed his guilt, he has a criminal history of about seven cases. It has also been informed by the learned counsel for the informant with regard to the stage of the case, that out of 13 prosecution witnesses, 8 witnesses have already been examined.

6. Taking into consideration the rival contentions and also the brutal murder of the deceased coupled with the advanced stage of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Jadiya P.S. Case No. 270 of 2023. It is however, directed that the case be finally concluded expeditiously.

(Soni Shrivastava, J)

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