

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50296 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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Shambhu Sahni, Son of Baue Lal Sahni, Resident of Village – Nonpur,
P.S.-Teghra, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Session Trial No. 446 of
2017 arising out of Bibhutipur P.S. Case No. 02 of 2017 registered
under Sections 302 and 120B/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Kamal Kishore Kamal is said to have resorted firing
at the head of the brother of the informant while other accused
person resorted firing on his chest, head and stomach which
proved fatal.

It is submitted by learned counsel for the petitioner
that the petitioner is not named in the F.I.R. There is nothing in the
record to indicate the complicity of the petitioner in the occurrence
barring confessional statement of co-accused Ashok Kumar Mahto



and his own confessional statement given before the police which has no evidentiary value in the eye of law. Kamal Kishore Kamal happens to be the own brother of the deceased and there is land dispute between them. The petitioner has no concern with Kamal Kishore Kamal. The petitioner has been languishing in custody since 21.04.2017. Similarly situated co-accused Ashok Kumar Mahto has been enlarged on bail by a co-ordinate Bench of this Court vide order 13.07.2017 passed in Cr. Misc. No. 32458 of 2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Rosera in connection with Session Trial No. 446 of 2017 arising out of Bibhutipur P.S. Case No. 02 of 2017.

(Prakash Chandra Jaiswal, J)

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