

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20048 of 2019

Arising Out of PS. Case No.-738 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Mahanand Sahani @ Mahanand Chaudhary Son of Late Baliram Sahani
Resident of Village - Baraharwa, P.S.- Motihari Mufasil, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Singh

For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

The petitioner seeks bail in Sessions Trial 92 of 2019
arising out of Motihari Town P.S. case No.738 of 2018 registered
under Sections 302, 120(B)/34 of the Indian Penal Code and 27 of
the Arms Act, pending in the court of Additional District and
Sessions Judge 11, Motihari, East Champaran.

Allegation is that the petitioner fired upon the husband of
the informant on his neck and thereafter other accused Sanjay Singh
fired on the deceased over his left side of abdomen. Her husband was
taken to the Hospital for treatment, but on the way he died.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 30.11.2018. Charge sheet has been
submitted in this case. There is no allegation of tampering of



witnesses alleged against the petitioner. One of the co-accused, namely, Mithu has made confession, where he has admitted to have made the firing at the time of occurrence. He has not made any allegation in respect of the petitioner. The wife of the petitioner happens to be the ex-Mukhiya of the concerned panchayat and for the said political reasons the petitioner has falsely been implicated in this case.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the occurrence. There is specific allegation against the petitioner and the other co-accused, namely, Sanjay Singh, who is alleged to have fired upon the deceased. The deceased succumbed to the said injuries. The postmortem report corroborates with the allegations made in the F.I.R.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court is directed to take all necessary steps to conclude the trial preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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