

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7050 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- JANDAHA District- Vaishali

SAUDAGAR KUMAR SAHNI @ SAUDAGAR SAHNI Son of Parikshan
Sahni Resident of Village-Soharhi, P.S.-Jandaha, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shyameshwar Kumar Singh
For the Opposite Party/s :	Mr. Ashk Kumar, APP
	Mr. Madhura Nand Jha
For the Informant	Mr. Mahendra Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-06-2020 The learned counsel for the parties were heard at length on 02.06.2020 and the present case has been listed today under the heading “For Orders”.

The petitioner seeks regular bail in connection with Jandaha P.S. Case No. 37 of 2018 (Sessions Trial No. 273 of 2019) for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 23.02.2018 at about 8:20 P.M., the informant and his son were sitting at their medical shop situated at Gurujee Chowk, Jandaha and after some time the son of the informant, namely Anil Thakur was in process of closing his medical shop, whereupon three unknown criminals arrived there and started firing indiscriminately on the said Anil Thakur, resulting in his death



on spot, whereafter the said three criminals fled away.

The learned counsel for the petitioner has submitted that the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person namely Noor Hussain and the said Noor Hussain has been granted bail by a co-ordinate Bench of this Court by an order dated 23.04.2019 passed in Cr. Misc. No. 4832 of 2019. It is further submitted that no Test Identification Parade has taken place so as to connect the petitioner with the alleged crime. It is also submitted that the petitioner is having a clean antecedent and is languishing in custody since 18.04.2019.

The learned counsel appearing for the informant has vehemently opposed the prayer for bail and has submitted that a co-ordinate Bench of this Court, by an order dated 19.05.2019 passed in Cr. Revision No. 660 of 2019 (Aman Kumar @ Aman Raj vs. The State of Bihar), has rejected the prayer for bail of the co-accused person and the petitioner is also similarly situated to him, hence, his prayer for bail is also liable to be rejected. It is further submitted that the trial is going on and three, out of seven witnesses, have already been examined.

The learned APP appearing for the State has also



vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary.

A bare perusal of the case diary would show that there are sufficient materials to prima facie show the complicity of the petitioner in the alleged murder of the son of the informant. This Court also finds that the case of the petitioner stands on similar footing as that of the co-accused person namely Aman Kumar whose prayer for bail has been rejected by a co-ordinate Bench of this Court vide order dated 19.05.2019 passed in Cr. Revision No. 660 of 2019, hence this Court is handicapped to take a different view, thus the present petition stands dismissed, being bereft of any merit as also in view of the fact that the petitioner is alleged to have fired gun shots on the deceased person and is alleged to have killed him.

A co-ordinate Bench of this Court has already directed to expedite the trial in the case of Aman Kumar (supra) and it appears that three witnesses have already been examined in the ongoing trial, thus this Court also directs for expediting the trial.

(Mohit Kumar Shah, J)

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