

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18128 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- SULTANGANJ District- Bhagalpur

SAHDEO THATHERI @ SAHDEO SAH Son of Sri Kanhai Sah Resident of
Mohalla - Peldauri, Lane No.- 5, P.S.- Sultanganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Adv

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 30-11-2021 Heard Shri Vivekanand Vivek, learned counsel
appearing on behalf of the petitioner and Shri Ajit Kumar,
learned APP appearing on behalf of the State.

Petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 17 of 2020/ S.T. No. 676 of 2020
registered for offences punishable under Sections 147, 148, 149,
307 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case in brief is that while the informant
was passing through his *Gali*, some miscreants with intention to
kill fired upon him from country-made pistol and the bullet hit
at his leg. Informant has identified the miscreants namely Tarun
Mandal, Ashok Mandal, Akash Mandal and other unknown
persons.

Learned counsel appearing on behalf of the petitioner



submits that the dispute has taken place over a land where Kali Mandir is situated which the informant had tried to forcibly acquire and in course the pistol of the informant misfired and he himself sustained injury in his leg. He further submits that petitioner is innocent and no case under Section 307 is made out neither any fire-arm was recovered from his possession. He further submits that petitioner has no criminal antecedent and is in custody since 23.04.2020. He further submits that charge-sheet has already been submitted on 19.06.2017 and nothing incriminating has been recovered in course of investigation.

Learned A.P.P., however, opposes the prayer for bail and submits that there is direct allegation of firing upon the informant by the petitioner and the petitioner has been charge-sheeted for the alleged offence.

Considering the submissions made on behalf of the parties, FIR and the case diary and also that charge-sheet has already been submitted against the petitioner, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, II, Bhagalpur in connection with Sultanganj P.S. Case No. 17 of 2020/ S.T. No. 676 of 2020



subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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