

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27356 of 2020

Arising Out of PS. Case No.-511 Year-2019 Thana- KRITYANAND NAGAR District- Purnia

NANDAN SAHNI Son of Sri Arun Sahni Resident of Village- Harda Bazar,
P.S.- Maranga, District- Purnea. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 26-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with K. Nagar (Maranga) P.S. Case no. 511 of 2019, registered under sections 302, 307, 324, 385, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, seven named accused persons including the petitioner are stated to have come and two of the accused persons are stated to have fired, killing the brother of the informant.

It is submitted by learned counsel for the petitioner that from the FIR itself it is clearly evident that no overt act whatsoever has been alleged against the petitioner. The petitioner has been falsely implicated in the case which would be evident from the fact that the witnesses, whose statements have been recorded in paragraph nos. 43, 44, 45 and 47 of the



case diary, claim to be eye witness but most of them did not even take the name of the petitioner while one of them takes the name of the petitioner, also did not allege any overt act against him. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State

Case diary called for in the case have been received.

Having heard learned counsel for the parties and taking into consideration the materials on record from which it transpires that the brother of the informant was shot dead by the accused persons and the witnesses whose statements have been recorded under section 161 Cr.P.C. have stated about the presence of the petitioner at the place of occurrence. Thus, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

However, if the petitioner surrenders within a period of six weeks and prays for bail, the same shall be considered by the court below, without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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