

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40005 of 2020

Arising Out of PS. Case No.-38 Year-2019 Thana- BARHARA KOTHI District- Purnia

Sahil Saurav @ Saurabh Sahil, Son of Late Braj Kishore Yadav @ Buchchan Yadav, Resident of Village-Mauzampatti, P.S-Barhara (Raghubansh Nagar), District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr. Adv.
	:	Mr.Kumar Praveen, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kr. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-03-2021 Heard learned senior counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the petitioner alongwith other accused persons is of committing indiscriminate firing by fire arms due to which wife of the informant sustained fire arm injury and she died.

Learned senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to village politics and this case is counter blast of Barhara P.S. Case No. 39/2020 registered for the offence under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 506, 120B



for the I.P.C. and $\frac{3}{4}$ of the Explosive Substance Act and Section 27 of the Arms Act lodged by the petitioner for the occurrence committed by the FIR named accused persons of the said case on same day at about 1.30 am with his father as the FIR named accused persons in that case made murderous attacked upon the father, brother and their associates with an intention to kill them in that attack. Father and brother of the petitioner sustained severe explosive injuries (as Annexure-2) of the bail application. As a matter of fact present case has been lodged by the informant with intention to make defense in favour of his criminal associates who are accused of Barhara P.S. Case No. 39/2019.

Learned counsel for the petitioner further submits that there is case and counter case between the parties and both sides have found injuries. There is no specific allegation of any overt act against the petitioner and there is general allegation against the petitioner and other accused person who had started indiscriminate firing due to which wife of the informant injured and died. Learned counsel for the petitioner further submits that in postmortem report only one injury was found by fire-arm which is mentioned in para 65 of the case diary. The petitioner is languishing in judicial custody since 03.04.2020.



Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Barhara (Raghubansh Nagar) P.S. Case No. 38/2019 to the satisfaction of learned Court below where the case is pending.

(Anjani Kumar Sharan, J)

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