

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39033 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- SONBERSA District- Saharsa

SHAHJAHAN @ SHAJO @ MD. SHAHJAHAN ALAM S/O DAUD @
MD. DAUD R/O VILLAGE-SIRAH, PS SONBARS RAJ, DISTRICT
SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 01-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the six named accused persons including the petitioner herein are stated to have shot the nephew of the informant and he was taken in a critical condition to the hospital for treatment.

It is submitted by learned Senior counsel for the petitioner that the petitioner has been falsely implicated in the



case. From perusal of the FIR it would transpire that the informant is not an eye witness to the occurrence. Further from the material that has transpired in course of investigation, it is submitted that there are no eye witness to the occurrence and against the allegation of firing on six persons, one gun shot injury has been found on the body of the deceased. The allegations are general and omnibus in nature. The petitioner is in custody since 21.7.2020 and has no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not having any criminal antecedent and having remained in custody for over 1 year 6 months, the Court directs the petitioner to be enlarged on bail in connection with Sonbersa Raj P.S. Case no. 102 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa.

(Partha Sarthy, J)

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