

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37775 of 2022

Arising Out of PS. Case No.-6 Year-1999 Thana- KORANSARAI District- Buxar

RAJENDRA SAHU @ RAJENDRA PRASAD SAH @ RAJENDRA SAH @
RAJENDRA PRASAD SAHU Son of Late Jodhan Sah @ Jodhan Sahu
Resident of Village- Adapha, P.s.- Koran Sarai, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-10-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 149, 323, 324,
307, 147 and 148 of the Indian Penal Code and section 27 of the
Arms Act. Later on section 302 of the I.P.C. was added.

As per the prosecution case, the informant was at the
door of his house and was talking with Ganesh Thakur and
Mukteshwar Shaw about paddy. In the meantime, the informant
was informed by a villager that twenty persons holding guns



came towards the north of village and were cutting kothi. The informant and others forbade to go there, but the uncle of the informant and one Brij Bihari Singh went there and objected. Then firing was made to kill Bharat Yadav which hit Madan Shahu. All accused persons holding gun including the petitioner were firing.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. The petitioner and the deceased are full brothers. The petitioner is an army personnel. The informant of this case had also committed murder of one Dashrath Shah who was the *nati* of the petitioner's father for which Koran Sarai P.S. case No. 02 of 2021 was registered against the informant Prem Kumar Singh and the others. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has also lodged Koran Sarai P.S. case No. 5 of 1999 against the informant and others for committing murder of Madan Shahu. The petitioner is also accused in one more case as stated in para 3 of the bail petition. The petitioner is in custody since 19.12.2021

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that



supplementary charge-sheet has been filed u/s 147, 148, 149, 323, 324, 307 and 302 of the Indian Penal Code and section 27 of the Arms Act against the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the general and omnibus allegation against the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Koransarai P.S. Case No. 6 of 1999.

The application stands allowed.

(Chandra Prakash Singh, J)

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