

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46513 of 2021

Arising Out of PS. Case No.-287 Year-2018 Thana- GHORASAHAN District- East
Champaran

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AWADHESH SAH Son of Rambilash Sah Resident of Village- Kaswa
Kadamwa, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 341, 342, 120B & 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the petitioner is said to have fired from his gun hitting the informant in his stomach. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of land dispute between the parties and in support thereof learned counsel for the petitioner refers to the order of this Court passed in Second Appeal (S.A. no. 51 of 2005) which has been affirmed by the Hon'ble Supreme Court vide order dated



3.1.2012 (Annexure-2/1). Referring to the FIR learned counsel for the petitioner submits that although the injured was treated in the government hospital first, there is no injury from the same. The petitioner is in custody since 9.9.2020 and there is no progress in the case in the learned court below.

The application for bail is opposed by learned APP for the State who submits that the allegation against the petitioner is supported by the injury report which has come in course of investigation.

As per the report received contained in letter dated 23.2.2022 from the learned court below, the case has been committed to the court of sessions.

Having heard learned counsel for the parties and taking into consideration the facts of the case and the allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after framing of charge.

(Partha Sarthy, J)

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