

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59179 of 2021

Arising Out of PS. Case No.-302 Year-2020 Thana- PIPRAKOTHI District- East Champaran

Chunnu Sahani Son of Mahesh Sahani Resident of Village- Chintamanpur,
Tikuliya, P.S.- Pipra, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 27-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Pipra Kothi P.S. Case No. 302 of 2020, for the offences punishable under Section 302/34 of the Indian Penal Code and Sections 25(1-b)a, 26 , 27 and 35 of the Arms Act.

The allegation against the petitioner that he along with other co-accused persons came to the house of the informant and thereupon, the petitioner called the brother of the informant and thereafter, some conversation took place and in the



meantime the petitioner wiped out his pistol and fired over the head of the brother of the informant, as a result of which, he died.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact from the FIR, it would be evident that there is no eye witnesses to the alleged occurrence as from the tenor of the FIR, it appears that the petitioner and other co-accused persons, namely, Kanhaiya Kumar Choudhary, were apprehend by the villagers on chase. He further submitted that Kanhaiya Kumar Choudhary, who was also apprehended along with the petitioner, has been granted bail by the learned Co-Ordinate Bench of this Court, apart from the fact that in this case charges have been framed in the month of February, 2021, but till date not a single prosecution witness has turned up. He last submitted that the petitioner having fair antecedent, is in custody since 26.08.2020 and more than two years have been lapsed.

On the other hand learned APP for the State vehemently opposed the bail application and submitted that the informant is an eye-witness to the alleged occurrence and he specifically alleged that the petitioner fired upon the brother of the informant causing his death at the spot.



Regard being had to the submissions made on behalf of the parties and considering the specific nature of the accusation and the gravity of the offence, this court is not persuaded to enlarge the petitioner on bail.

However, it is expected that the learned Trial Court will take all necessary measures to expedite and conclude the trial, as early as possible.

Accordingly, the present application stands dismissed.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

