

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17203 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- BUDDHACOLONY District- Patna

BADRISAHANI Son of Phunnu Sahani Resident of Village - Rajapul Dujara
Petrol Pump, P.s.- Budha Colony, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	None
For the Opposite Party/s :	Dr. Mrityunjaya Kr. Gautam, APP Mr. Pramod Kumar, Advocate Mr. Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 No one appears for the petitioner. Learned A.P.P for
the State is present through video conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the
informant that the four accused persons including the petitioner
herein came to the house of the informant and started to hurl
abuses. On the informant asking them not to do so it is stated
that the accused persons including the petitioner with the
intention to kill resorted to firing. The shot fired by the
petitioner hit the informant's brother in his neck while the shot
fired by co-accused Vijay Sahani hit the informant's brother in



his waist. Another shot fired by co-accused Balak hit the grandmother of the informant. The accused persons escaped. The brother of the informant was taken to the P.M.C.H for treatment where he died in the emergency ward of the P.M.C.H.

From the contents of the petition it transpires that the case of the petitioner is that the brother of the informant was himself a veteran criminal and the manner of occurrence is other than what has been narrated in the F.I.R. The cause of death is not stated to be firearm injury caused in the neck. The petitioner is in custody since 6.4.2021 and has no criminal antecedent. Charge-sheet has been submitted in the case.

The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is the assailant of the deceased.

Having perused the material on record and having heard learned A.P.P for the State and learned counsel for the informant, in view of the allegation in the F.I.R wherein the petitioner has been described as the assailant of the deceased together with the contents of the inquest report and postmortem report which find mention in paragraph nos. 16 and 41 of the case diary, the Court is not inclined to enlarge the petitioner on



bail and the application is rejected.

(Partha Sarthy, J)

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