

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28149 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- SONBERSA District- Sitamarhi

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Ct/Gd11280501than Singh Meena S/o Jagdish Prasad Meena Resident of village-Mauka Toli (Bharatpur), P.S.-Vair, Dist-Bharatpur, Rajasthan. At Presently residing - 51 Bahini S.S.B. Sonbarsa, Sitamarhi B.O.P. Narkatiya Kamp

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 46 of 2023 registered for the offence under Section 307 of the Indian Penal Code, under Section 27 of the Arms Act and under Section 37(ii) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 14.02.2023.

The allegation against the petitioner is to open fire upon colleague constable inside police barrack, having intention



to cause his death.

Learned counsel appearing on behalf of the petitioner submitted that from the face of F.I.R. itself it can be gathered safely that the alleged firing was not made with intention to cause death of injured, namely, Dharmendra Khalkho. It is submitted that even as per the statement of injured it can be gathered maximum that firing was made accidentally without having any intention, as same hit the non-vital part of the body and not appears repeated, having all occasions. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as face of F.I.R. is not suggesting that alleged firing was made with intention to cause death, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Sonbarsa P.S. Case No. 46 of 2023 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court-I, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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