

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34457 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- TURKAULIYA District- East
Champaran

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JITENDRA SAH S/O PARMANAND SAH R/O Village- Gobri, P.S-
Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard Mrs. Rashmi Jha, learned counsel for the

petitioner and the State.

The petitioner is in custody since 14.2.2023 in connection with Turkauliya (Banjariya) P.S. Case No. 209 of 2023 for the offence punishable under Sections 302 and 201 of the I.P.C. and 27 of the Arms Act and 25(9) of Arms (Amendment) Act, 2019 lodged on 14.2.2023 by the informant Almhra Khatoon.

The case of the prosecution, in brief, is that on 13-02-2023 in a Barat party, this petitioner-accused Jitendra Sah was making celebratory firing and in course thereof, the daughter of informant, due to which the daughter of informant sustained gunshot injury and she died. Thereafter, this petitioner-accused



concealed the dead-body behind his house.

It is submitted by learned counsel for the petitioner that although the allegation has been made against him that in course of celebratory firing by him, the minor daughter of the informant sustained gun shot injury causing her death, her further submission is that the FIR is exaggerated inasmuch as when the informant himself alleges his brother Jahangir Alam witnessed the same, there cannot be any question of disappearance of the body.

She further submits that that as the informant and the accused belong to same place, without accepting the allegation and/or outcome of the present case, the petitioner would like to pay Rs. 50000/- on humanitarian ground to the informant to be deposited by way of Demand Draft issued by the local State Bank of India branch and submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that despite banning of the said celebratory firing, the people still resort to the same causing unfortunate death of innocent person.

This Court is in full agreement with the learned APP that celebratory firing being done by the influential person is



nothing but show of their money power and further causing havoc in the society and cast further shadow on the otherwise joyous atmosphere due to the marriage.

However, considering that the petitioner is in custody since 14.2.2023, has no criminal antecedent as averred by learned counsel for the petitioner, F.I.R. lodged, will ultimately have to face trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 50,000/- as undertaken by the learned counsel for the petitioner on his behalf.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1st Class, Motihari, East Champaran, in connection with Turkauliya (Banjariya) P.S. Case No. 209 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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