

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41302 of 2023

Arising Out of PS. Case No.-314 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

BALESHAWAR SAHNI S/O LATE RAJA SAHNI R/O Village- Akauna, P.S-
Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar No.3

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection
with Muffasil P.S. Case No. 314 of 2021 instituted for the
offence under Sections 147, 148, 149, 341, 323, 342, 324, 325,
307, 302, 120B of the Indian Penal Code, Section 25(1-b)A, 26,
27, 35 of the Arms Act and Sections 3/4 of the Explosive
Substance Act.

3. As per allegation in the FIR, it is alleged that some
scuffle took place between the petitioner and informant when he
came to the house of informant for committing offence.
Thereafter, firing has been made by co-accused Anil Pd.
Kushwaha due to which nephew of the informant namely,
Kanhaiya Lal Sahni sustained gun shot injury. During this



incident, one Nandlal Sahni was assaulted by the accused persons who died. One person namely, Krishna Shani was also sustained injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. From perusal of FIR as well as case diary, no specific overt-act of firing attributed to the petitioner rather general and omnibus allegation leveled against him. It is further submitted that the petitioner is languishing in judicial custody since 3.9.2022.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that the petitioner is named in the FIR. The informant identified the petitioner while scuffle took place between them and this fact is mentioned in restatement of the informant vide para 9 of the case diary. The statements of both the injured persons have also supported the version of the informant. As per postmortem report vide para 34 of the case diary, doctor opined that cause of death of the deceased is due shock & Hemorrhage with the injuries caused by fire arms. Moreover, the petitioner is a notorious person who has got several criminal antecedents.



6. Considering the nature of allegation and criminal antecedents of the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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