

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43295 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MUSAHARI District- Muzaffarpur

Badal Sahani @ Shiv Chandra Sahani Son Of Deeplal Sahani Resident Of
Village- Dardha Chausath, Ps- Sakra, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Mushahari P.S. Case No. 14 of 2023 instituted for the offence
under Sections 302 and 34 of the Indian Penal Code.

Prosecution case in short, is that, on the basis of secret
information, police officials along with some constables went
the place of occurrence with a view to raid against illegal
manufacturer of liquor and when we reached at that place then
we saw that petitioner along with one co-accused person were
making country made liquor by flaming chullah and parked a
small boat in river bed. Thereafter, we started trying to arrest
them and at that time constable, namely Deepak Kumar caught
them then both of them with a view to kill the Deepak Kumar,



they jumped into the river and they using force immersed Deepak Kumar into water and fled from there. The dead body of the police personnel, namely Deepak has been recovered from the river.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case due to village politics. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 21.01.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in FIR and he along with co-accused were making illegal liquor and this fact came during the course of investigation. It is further submitted that the petitioner along with other co-accused killed the police personnel, namely, Deepak Kumar by immersing him in the river forcefully.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



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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