

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39462 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- KALYANPUR District- Samastipur

Bhushan Sah @ Shashi Bhushan Sah Son Of Lakho Sah Resident Of Village -
Maniyarpur, P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46797 of 2023

Arising Out of PS. Case No.-303 Year-2022 Thana- KALYANPUR District- Samastipur

Sonu Kumar @ Sonu Kumar Sah Son Of Rajesh Kumar Sah @ Rajesh Sah
Resident Of Village- Maniyarpur, P.S. Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39462 of 2023)

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 46797 of 2023)

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
13.03.2023 in connection with Kalyanpur P.S. Case No. 303 of
2022, F.I.R. dated 28.09.2022 for the offences punishable under
Sections 341, 302, 504/34 of the Indian Penal Code along with



Section 27 of the Arms Act.

3. According to prosecution case, petitioners are alleged to have fired gun shot indiscriminately upon the informant and his father, in which his father was done to death.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation as alleged in the F.I.R., is false and fabricated. He further submits that informant is not the eye witness of the alleged occurrence and the date of occurrence, as alleged in the F.I.R., is 26.09.2022 but the present F.I.R. was instituted on 28.09.2022 after a delay of about two days without giving any further explanation. He further submits that there is no accusation of firing attributed against the petitioner, namely, **Bhushan Sah @ Shashi Bhushan Sah** but there is allegation against the petitioner, that the petitioner, namely, **Sonu Kumar @ Sonu Kumar Sah** has fired upon the victim. He further submits that there was enmity between **Bhushan Sah @ Shashi Bhushan Sah** and injured person.

5. The learned counsel for the State on the other hand on the basis of material available on record and Case Diary oppose the prayer for grant of bail of the petitioners and submits



that the petitioners are involved in the present crime in question and the statement of the injured victim, namely, **Ram Sunil Paswan** was recorded in Paragraph No. 88 of the Case Diary, in which he has categorically stated that petitioner, namely **Bhushan Sah @ Shashi Bhushan Sah** has fired upon the deceased and other accsed person, namely, **Sonu Kumar @ Sonu Kumar Sah** has fired upon the deceased as well as on the injured person.

6. Considering the gravity of the matter, there is direct and specific allegation against these petitioners. So, I am not inclined to enlarge the petitioners on bail in connection with Kalyanpur P.S. Case No. 303 of 2022 pending in the court of learned Judicial Magistrate – Ist Class, Samastipur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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