

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46665 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- KURSAILA District- Katihar

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Santosh Sahni, S/o Fago Sahni @ Fagu Sahni, R/O Village- Katariya, P.S-
Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 28-07-2023
1. Learned counsel for the petitioner is permitted to make necessary correction in the first page of the petition during course of the day.
 2. Heard learned counsel for the petitioner and the learned APP for the State.
 3. Petitioner seeks regular bail in connection with Kursela P.S. Case No. 02 of 2023 dated 04.01.2023 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
 4. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has fair and clean antecedent and he is not named in the FIR and the



paragraphs of the case diary, which have been referred in the order impugned, have been discussed in the petition in paragraph nos. 14, 15, 16, 17 and 18, in fact informant is not the eye-witness of the alleged occurrence and she made her third statement one month after the institution of the FIR and falsely implicated this petitioner as being an associate of the main co-accused Sumit Yadav and she simply stated that she learnt about the petitioner's involvement in the alleged crime and moreover the statements of the other witnesses detailed in the said paragraphs clearly show that the main allegation of causing firearm injury to the victim is against co-accused Sumit Yadav.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly the facts that the petitioner is not named in the FIR and as per FIR as well as the statements made in paragraph nos. 14, 15, 16, 17 and 18 of the petition the main allegation of causing firearm injury to the deceased appears against the co-accused Sumit Yadav and also taking into account petitioner's fair and clean antecedent, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged on bail in connection with Kursela P.S. Case No. 02 of 2023 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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