

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52876 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- BIRUPUR District- Lakhisarai

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UPENDRA SAHANI Son of Tilak Sahni Resident of Tinmuhani, P.S.-
Ghoswari, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Pd. Singh, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-02-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Birupur P.S. Case No. 04 of 2022 registered for the offences
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code and Section 27 of the Arms Act.

As per the prosecution, while fishing in Haruhar River
near Raksahar, the informant's son was shot by Kamo Sahni @
Kameshwar Sahni along with some other miscreant persons
including the petitioner owing to which he died on the spot.
Further alleged that on earlier occasion, these miscreant persons

threatened the informant's son of dire consequences if he would object the miscreants from fishing in the said river.

The main submissions advanced by learned counsel Mr. Ram Vinay Pd. Singh appearing for the petitioner are that though the petitioner is named in the FIR but there is no specific allegation against him and the main allegation of causing fire-arm injury to the deceased is against the co-accused Kamo Sahni @ Kameshwar Sahni who preferred Cr. Misc. No. 25558/2022 in which he was granted a liberty to renew his prayer for bail after one month of framing of charge and according to that direction the said co-accused might have been released on bail and the petitioner has been languishing in jail since 02.02.2022 and having fair and clean antecedent.

Learned APP Mr. Prem Kumar Jha appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly the fact that the main allegation is against the co-accused Kamo Sahni @ Kameshwar Sahni and several persons including the petitioner, were alleged to be involved in the alleged crime but any specific role or act of the petitioner was not alleged in the FIR and he has fair and clean antecedent as mentioned in his petition and also taking into account his custody period, this

Court is inclined to enlarge him on bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Birupur P.S. Case No. 04 of 2022.

(Shailendra Singh, J)

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