

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23217 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BISHUNPUR District- Darbhanga

CHHOTU @ CHHOTU SAHNI Son of Laxmi Sahni Resident of Village -
Mustafapur, P.S.- Bishanpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60001 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BISHUNPUR District- Darbhanga

VIKKI SAHNI Son of Late Lallan Sahni Resident of Village - Mustafapur,
P.S.- Bishanpur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23217 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 60001 of 2022)

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-01-2023 Heard learned counsel for the parties.

The two petitioners in the two applications have
prayed for grant of regular bail in a case registered under section
302 and 34 of the Indian Penal Code and section 27 of the Arms
Act.

As per the prosecution case, it is stated by the



informant that the petitioner Chhotu took away his son on his motorcycle. Thereafter, it is stated that 8 – 10 other boys were also present. Soon, thereafter, they heard the sound of firing. The informant states that it transpired that the petitioner Chhotu had shot his son in the chest who on being taken to the hospital was declared dead.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. So far as the suspicion raised by the informant against the petitioner Chhotu is concerned, from the FIR it would be evident that the informant is not an eye witness to the occurrence nor has any other witness in course of investigation supported the allegation of Chhotu having fired upon the son of the informant. So far as the petitioner Vikki Sahni is concerned, he is not even named in the FIR. The petitioners are in custody since 5.11.2021 and 15.7.2022 respectively. They have no criminal antecedent.

The application for bail is opposed by learned APP for the State. Learned counsel for the State on perusal of case diary submits that there is no eye witness of the petitioner Chhotu having fired upon the deceased.

Having heard learned counsel for the parties and



taking into consideration the nature of allegation, the material that has transpired in course of investigation and chargesheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Bishanpur P.S. Case no. 99 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Darbhanga.

(Partha Sarthy, J)

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