

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73014 of 2022

Arising Out of PS. Case No.-354 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Upendra Sah Son Of Late Dukhan Sah R/V- Nagdah, P.S.- Muffasil (Singhaul
O.P.) Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Begusarai Muffasil (Singhaul O.P.) P.S. Case No. 354 of 2022 registered under sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on, charge sheet has been submitted under Sections 307, 302 and 34 of the IPC.

Allegation against the co-accused persons including this petitioner is that they armed with weapon and started indiscriminate firing on the chest of the informant's father, due to which he sustained injury and later on he died during the course of his treatment.



Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner was not named in F.I.R. rather his name came into light in this case during the course of investigation. It is further submitted that the as per F.I.R. co-accused Krishna Paswan along with other accused persons incessantly fired upon the father of the informant due to which he succumbed to injury but from perusal of the postmortem report which is mentioned in para-54 of the case diary that only one entry wound on the body of the deceased and doctor opined the nature of injury is grievous and caused by fire arm. 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 01.08.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Begusarai



Muffasil (Singhaul O.P) P.S. Case No. 354 of 2022 on
furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with
two sureties of the like amount each to the satisfaction of the
learned C.J.M., Begusarai.

(Sunil Kumar Panwar, J)

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