

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9307 of 2024

Arising Out of PS. Case No.-1365 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Sunil Shahi Son Of Late Ramlakshan Shahi Resident Of Village - Sahbajpur,
P.S. - Ahiyapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 22-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1365 of 2023 instituted for the offences under Section 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution allegation, in short, is that while the husband of the Informant was returning home, the accused persons fired at the husband due to which he sustained injuries and later succumbed to the injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



There is no independent witness in this case who have supported the case of the prosecution. He further submits that the F.I.R. has been lodged at a long delay of 12 hours without any explanation for such delay. The allegation made against the petitioner is general and omnibus and the specific allegation has been made against the co-accused Golu Kumar, Shivam Kumar and Md. Rehan. The petitioner has eleven criminal antecedents. The petitioner is languishing in judicial custody since 18.10.2023. Learned counsel for the petitioner has filed 2nd supplementary affidavit stating therein that the learned Chief Judicial Magistrate, Muzaffarpur heard the parties on the point of cognizance and after differing with the final report, he took cognizance of the offence under section 302, 120B, 34 of the I.P.C. and Section 27 of the Arms Act.

5. Learned counsel for the petitioner again submits that the co-accused Md. Murtaza has been granted bail by this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 13364 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ahiyapur P.S. Case No. 1365 of 2023, subject to the following conditions;

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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