

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7265 of 2024

Arising Out of PS. Case No.-389 Year-2023 Thana- KALYANPUR District- East Champaran

Jairam Sah @ Bhunath Sah Son of Ramdeo Sah @ Ram Dev Sah R/o vill -
Semra Bazar, P.S. - Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No.389 of 2023 lodged under Sections 302
and 34 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons including the
petitioner in which there is specific allegation against one co-
accused Kamaldev Sah of firing on the stomach of the
informant's husband by gun shot due to which he was injured
and doctor has declared him dead.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that as per the allegation made in the F.I.R., there is direct
allegation against the co-accused Kamaldev Sah of firing on the
stomach of the informant's husband due to which he died.



5. Counsel further submits that there is no role of act or overt-act against the petitioner. He submits that case diary has been called for. In the case diary, it has come in paragraph-3 and 4 that there is no eye witness of this occurrence.

6. Counsel further submits that the petitioner is in custody since 08.11.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Kalyanpur P.S. Case No.389 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

Prakashmani/-

(Dr. Anshuman, J.)

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