

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14214 of 2024

Arising Out of PS. Case No.-549 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

Arjun Kumar @ Chunna S/o Late Kameshwar Sah R/o Village- Bhatauni,
P.O.- Bhatauni, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Simri Bakhtiyarpur P.S. Case no.549 of 2023 registered under section 307 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that she received information about her husband having been shot. On reaching the place of occurrence along with others, she found her husband to be in an injured condition. He was taken to the hospital for further treatment. It is stated that the police personnel said that on his regaining consciousness his statement would be recorded.

4. Learned Senior counsel appearing for the petitioner submits that on the death of the husband of the informant after a month in course of treatment, section 302 of the Indian Penal Code



was added. So far as the petitioner is concerned, he has been falsely implicated in the case. There is no eye witness to the occurrence. Some of the witnesses have raised an unfounded suspicion against him for the reason that he had taken some loan from the deceased and there had been some altercation with respect to the same a few days before the occurrence. The petitioner is in custody since 28.10.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the material that has transpired in course of investigation, there being no eye witness to the occurrence, the petitioner having remained in custody for 5 months since 28.10.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Simri Bakhtiyarpur P.S. Case no.549 of 2023 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., Saharsa.

(Partha Sarthy, J)

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