

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17220 of 2024

Arising Out of PS. Case No.-339 Year-2023 Thana- NAANPUR District- Sitamarhi

RAHUL SAHNI SON OF LATE BHOGENDRA SAHNI R/O-BATHAUL,
P.S.-NANPUR, DISTT.-SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19031 of 2024

Arising Out of PS. Case No.-339 Year-2023 Thana- NAANPUR District- Sitamarhi

RAJA RAI @ RAJA KUMAR SON OF BAIJNATH RAI R/O-BATHAUL,
P.S.-NANPUR, DISTT.-SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17220 of 2024)

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
For the Informant : Mr. Mithilesh Kumar Jha, Adv

(In CRIMINAL MISCELLANEOUS No. 19031 of 2024)

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
For the Informant : Mr. Mithilesh Kumar Jha, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 19-07-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seeks regular bail in connection
with Nanpur P.S. Case No. 339 of 2023 lodged on 13.07.2023
under Section 341/302/120B of the Indian Penal Code and 27 of
the Arms Act.



3. As per the prosecution case, F.I.R. has been lodged against ten named accused persons including the present petitioner against whom there is an allegation that three accused person namely Dinesh Das, Rahul Sahni (Petitioner of 1st Case) and Raja Rai (Petitioner of 2nd Case) has fired upon the father of the informant due to which he fell down and died.

4. Learned counsel for the petitioner submits that the petitioners are innocent and has committed no offence. Counsel further submits that the allegations are general and omnibus and from the content of F.I.R., it transpires that there is previous enmity. Counsel further submits that criminal antecedent of the petitioner is not clean and there are five cases pending against him in which he is on bail. The petitioner is in custody since 22.11.2023.

5. So far as petitioner of second case is concerned, the petitioner has two criminal antecedent and he is in custody since 26.11.2023.

6. Counsel for the petitioner submits that the other co-accused has been granted bail vide order dated 07.03.2024 passed by this Court with condition that petitioner be directed to be released six months after framing of charge if not framed.

7. Learned APP for the State opposes the prayer for



bail. Counsel for the informant vehemently opposed the prayer for bail and submits that in F.I.R. there is direct allegation upon the petitioners of both the cases that they have caused fire arm injury on the informant's father due to which he died. He submits that the cause of firing has also been inserted in the F.I.R. He submits that not only informant, there are several other eye witness whose name has come in the case. Counsel for the informant submit that petitioner of second case has not come to this Court with clean hands. He has mentioned that antecedent is clean but on the other hand he has one antecedent which has come in paragraph 32 of the supplementary case dairy.

8. Counsel for the State submits that upon perusal of the post-mortem report, it transpires that there are five gun shot injuries and death has been caused due to fire arm injury.

6. In the present facts and circumstances of this case and the submissions made above, the bail application of the petitioner of both the cases are hereby rejected.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

