

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50038 of 2024

Arising Out of PS. Case No.-299 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

=====

Devendra Sahani S/O Late Kailash Sahani R/O Village- Agarwa, Ward No.-
38, P.S- Town, Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Arun Kumar Singh, APP

=====

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

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 299 of 2024 instituted for the offence under
Sections 307, 326 & 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. Prosecution case in brief is that all the co-accused
persons including the petitioner have fired upon the informant,
who was sitting with his mother at ‘*Braham Baba Asthan*’, with
the intention to kill. In the meantime, mother of the informant,
namely, Seema Devi got injured by fire arm injury, thereafter,
she was taken up for treatment.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27-05-2024. Petitioner bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case owing to the fact that petitioner is neighbour of the informant. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. It is submitted that allegations do not corroborate with the injury report, as only mother of the informant has sustained single fire arm injury. Learned counsel submits that final form was submitted and the petitioner was not sent up for trial, but differing from the same, learned trial court has taken cognizance against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph Nos. 85 & 86 of the case diary, that independent witnesses have supported the case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that there is no specific allegation of firing is



attributed against the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Town P.S. Case No. 299 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

