

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51111 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- SAHPUR District- Patna

Gandhi @ Rahul Kumar, aged about 32 years, Male, son of late Ajay Ram,
resident of Village- Shiwalapur, P.S.- Shahpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Shahpur PS Case No.47 of 2024 dated 28.01.2024, instituted for
the offence punishable under Sections 147, 148, 149, 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and others is
that on the alleged date of occurrence they came and shot dead
the husband of the informant, namely, Satyendra Prasad when
he was returning home after closing his Betel Shop and
thereafter they fled away.

4. Learned counsel for the petitioner submits that he is
innocent and has been falsely implicated in this case. It is
further submitted that from the FIR itself it is crystal clear that



the informant is not an eye witness of the occurrence. It is further submitted that in the case diary in paragraph no.3, it is mentioned that the police got information about the occurrence at 10.30 PM on 27.01.2024. As per paragraph no. 7 of the case diary, inquest report was prepared at 2.10 AM on 28.01.2024 and postmortem was done on the same day at 10.45 AM. Thereafter, the FIR was lodged at 3.35 PM on 28.01.2024. There is no eye witness to the occurrence. It is further submitted that there is no specific allegation against the petitioner, rather, allegation is general and omnibus. Petitioner has been implicated in the present case on account of previous enmity. Further submission is that during investigation none has claimed himself to be the eye witness of the occurrence. Petitioner is in custody since 11.03.2024 having clean antecedents. Charge-sheet has already been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Danapur, Patna, in Shahpur PS Case No.47 of 2024.



7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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