

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57206 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- DEWARIA District- Muzaffarpur

Dilip Sahani Son of Madan Sahani R/V- Village- Naya Tola, Hussepur, P.S.-
Sahebnaj, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Deoria P.S. Case No. 78 of 2024, registered on 12.04.2024 for the offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, three miscreants riding a motorcycle, abused and fired upon the son of the informant. The shot hit on the hands of the son of the informant causing injuries to him. As the nearby people assembled there, the miscreants could not rob the son of the informant. The name of the petitioner transpired during investigation as one of the accused persons.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner came up in this case on the basis of confessional statement of co-accused Nitish Kumar. Nothing incriminating has been recovered from the person or possession of this petitioner. The informant and his family members were put to Test Identification Parade and the victim identified three accused persons but he could not say who fired upon him. The T.I.P. was conducted on 13.04.2024 but the petitioner has been remanded in this case on 30.05.2024 i.e., after 46 days of T.I.P. which shows police has made up the story of T.I.P. Petitioner is in custody since 30.05.2024. Petitioner is having criminal antecedent of two cases and he is on bail in one of these cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner fired upon the son of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of material to connect the petitioner with the offence as alleged and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds



of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-5th, West Muzaffarpur/concerned court in connection with Deoria P.S. Case No. 78 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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