

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58869 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- KURSAILA District- Katihar

1. Neeraj Sahani @ Niraj Sahni @ Niraj Kumar Sahni S/O Nageshwar Sahani @ Nageshwar Kumar Sahni R/O Village- Chapar, P.S.- Rangra (O.P.), Dist.- Bhagalpur.
2. Chandan Mandal @ Chandan Kumar Mandal @ Chandan Kumardal S/O Shankar Mandal R/O Village- Kataria, P.S.- Kursela, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Chandra Patel

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-01-2024 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 302, 34 of the Indian Penal Code.

As per FIR, the informant alleged that the petitioners came at her house and took her husband with them and committed his murder by firearm.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have has falsely been implicated in this case due to previous



enmity. The informant is not an eye witness of the alleged occurrence. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 28.10.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that after murder of the informant's husband the petitioners were seen fleeing from the place of occurrence by the witnesses. As per Para-32 of the Case Diary, the petitioner No-1, confessed his guilt and at his instance one country made *katta* and two live cartridges were recovered. It is further submitted that the Postmortem Report, annexed with Case Diary has also supported the prosecution version which shows that the cause of death is Hemenragic and Neurogic shock due to gunshot injuries.

Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioners of opening fire, resulting into death of the informant's husband, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands rejected.

The trial Court is directed to expedite the trial and



conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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