

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60442 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Sanoj Kumar S/O Babulal Ray Resident Of Village And P.O.-Madhopur
Hazari, P.S.-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh, Adv.

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

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

ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 547 of 2022 (Sessions Case No. 351
of 2023) instituted for the offences under Section 27 of the Arms
Act.

3. The accusation against the petitioner is of firing at
the husband of the Informant who sustained serious gun-shot
injury and died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to dirty village politics. He has further submitted that the petitioner was neither present at the place of occurrence nor he shot dead the husband of the petitioner as alleged in the F.I.R. The petitioner has no concern with the alleged occurrence as also with the other co-accused persons. The Informant is not the eye-witness to the occurrence. He has further stated that the re-statement of the Informant and the *fardbeyan* are contradictory in nature. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner has been remanded in this case on 03.01.2023 and since then, he is in custody. The investigation has been completed and the charge-sheet has also been submitted on 28.02.2023.

5. Learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner on the ground that after completion of investigation, the police has submitted the charge-sheet against the petitioner. It is further stated that the Informant in her re-statement recorded in para 4 and several witnesses in para 4, 18, 19 and 20 of the case diary have clearly stated that they saw the petitioner firing at the deceased. He has further stated that the postmortem report also clearly shows that the deceased died due to gun-shot



injury. Learned counsel for the Informant submits that out of total charge-sheet witnesses, two have been examined.

6. Considering the entire facts and circumstances of the case as also the gravity of the allegation being serious in nature as also there being specific and direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, is hereby, rejected for the present, with a direction to the court below to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of a copy of this order.

8. It is also made clear that if the trial is not concluded within the aforesaid period of nine months, the petitioner will be at liberty to renew his prayer for bail before the court below and the same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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