

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63391 of 2024

Arising Out of PS. Case No.-482 Year-2023 Thana- SAUR BAZAR District- Saharsa

Jay Prakash sah Son of Radhey Shyam Sah R/V- Golma Basa Tola, Ward nO. 18, P.S.- Sour Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sour Bazaar P.S. Case No. 482 of 2023 dated 18.08.2023 registered for the offences punishable under Section 341, 323, 302, 379, 504, 506 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant's mother was going to deposit money in the bank, the petitioner and the co-accused person holding lethal weapons came and surrounded the informant's mother and started abusing her, on being objected by her, upon the order of Chandan Kumar, the



co-accused Dilkhush Kumar fire on the informant's mother which hit left temple causing severe injury. The rest co-accused persons also assaulted her with fists and legs due to which she died and the co-accused, Chandan Kumar also snatched Rs. 45,000/- from the informant's mother.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The specific allegation of firing is against the co-accused, Dilkhush Kumar. There is general and omnibus allegation against the petitioner who along with the other co-accused persons assaulted her with legs and fists. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.06.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner. As per the post-mortem report, the cause of death is due to firearm injury on vital organ i.e. brain.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned A.C.J.M.-II,
Saharsa in connection with Sour Bazar P.S. Case No. 482 of
2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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