

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64599 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- KHUTAUNA District- Madhubani

Lalan Sah @ Lalan Kumar Sahu @ Lalan Kumar Sah Son of Ram Autar Sah @ Pandav
Sahu Resident of Village - Kushmar, P.S. - Khutauna, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Session Trial No. 105/2023 arising out of Khutauna P.S. Case No. 61 of 2022 dated 28.04.2022 registered for the offences punishable u/ss 302 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. As per the prosecution case, on the order of the co-accused persons, the petitioner fired on the Samdhi of the informant due to which he succumbed to the injuries.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a land dispute between the parties. The name of the petitioner has surfaced in the case merely on suspicion. Nothing has been recovered from the conscious possession of the



petitioner. The charge-sheet has been submitted u/ss 304 of the I.P.C. as well as 27 of the Arms Act. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.08.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the bail application of the petitioner has twice been rejected by the Coordinate Bench of this court on merits. Learned counsel has further submitted that vide para 110, 111 and 112 of the case diary, the witnesses have supported the prosecution version of the case and the post-mortem report also corroborates with the prosecution case. There is specific allegation of firing against the petitioner and the doctor has opined that the cause of death is due to Hamorrhage and shock caused by fire arm injury.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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