

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64482 of 2023

Arising Out of PS. Case No.-49 Year-2021 Thana- BUDDHACOLONY District- Patna

RAJ KUMAR SAHNI @ BALAK @ RAJ KUMAR Son of Nunnu Lal Sahani R/o village - Balaha Chak Dah, Sarmera Sahari, P.S. - Ghoswari, Distt. - Patna. At present residing at near Mainpur Kutti, P.S. - Pataliputra, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshul, Advocate

Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 10-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Buddha Colony P.S. Case no.49 of 2021 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the four named accused persons including the petitioner herein are said to have come variously armed and of having started to abuse the informant and the members of his family. On being asked not to do so, it is stated that they resorted to firing. The shot fired by Badri Sahni hit the informant's brother in his neck and the shot fired by co-accused Vijay Sahni hit him in his waist. It is further stated that the shot fired by the petitioner missed the grandmother of the informant. The informant's brother was taken to Patna for treatment where he died in PMCH in course of treatment.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even as per the allegation in the F.I.R., he is not said to be the assailant of the deceased. He is in custody since 23.5.2022 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration that the allegation of firing on the deceased is specific on co-accused Badri Sahni and Vijay Sahni, so far as the petitioner is concerned, he is not said to be the assailant of the deceased, further the shot fired by the petitioner is said to have missed the grandmother of the informant and not causing any injury together with the petitioner having remained in custody for 1 year 10 months since 23.5.2022, the Court directs the petitioner to be enlarged on bail in connection with Buddha Colony P.S. Case no.49 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM II, Patna.

(Partha Sarthy, J)

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