

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71277 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- BAHERI District- Darbhanga

Suresh Sahni @ Suresh Prasad Sahni S/O Late Lakhan Sahni @ Late Lokhan Sahni R/O Village- Makhnaha, P.S- Baheri, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP
For the Informant : Mr. Surya Prakash Vishwas, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 13-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Baheri P.S. Case no.54 of 2024 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 informant states that his brother was called for video photography to the house of Suresh Sahni on the occasion of his birthday. As the video camera was not charged, it is stated that the five named accused persons including the two petitioners herein became infuriated and after some altercation, Rakesh Sahni shot the brother of the informant in his mouth with a revolver as a result of which he sustained firearm injury. The accused left him at the DMCH



where he died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The petitioner was nowhere near the place of occurrence. Even accepting the allegations in the FIR, the allegation is solely against co-accused Rakesh Sahni. The petitioner surrendered in the Court below on 19.8.2024 and chargesheet has been submitted in the case. He undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that though co-accused Rakesh Sahni is said to be the sole assailant who fired from the revolver resulting in death of the brother of the informant, however in reference to paragraph no.8 of the case diary, it is submitted that the petitioner was very much present and was involved in the altercation with the deceased leading to his death.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the FIR and the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.



7. In view of the facts of the case, liberty is granted to
the petitioner to renew his prayer for bail after six months.

(Partha Sarthy, J)

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