

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77765 of 2023

Arising Out of PS. Case No.-442 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

SHASHI SON OF LATE MUNNAS SAO RESIDENT OF VILLAGE -
DEVISARAI, PS- DEEPNAGAR, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75311 of 2023

Arising Out of PS. Case No.-442 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

SUBHASH SAO@ SUBHASH KUMAR SON OF JAGDISH SAO
RESIDENT OF MOHALLA -KALALIPUR, MURARPUR, PS- LAHERI,
DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77765 of 2023)

For the Petitioner/s : Mr.Upendra Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

(In CRIMINAL MISCELLANEOUS No. 75311 of 2023)

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-01-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under sections 341,
323, 307, 326, 504, 34, of Indian Penal Code and Section 27
of the Arms Act later on Section 302 of IPC was also added.



3. As per FIR, the allegation against the petitioners and co-accused persons is that they caught hold husband of the informant and co-accused, namely, Nimi Kumar @ Amit Kumar fired upon her husband due to which her husband sustained gunshot injury and succumbed to injuries.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case due to dirty village politics. There is no specific allegation of firing against the petitioners rather the specific allegation of firing upon the husband of the informant is levelled against co-accused person. As per Para-47 of the Case Diary, victim has not stated about the complicity of the petitioners in gunshot firing. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 03.08.2023.

5. Learned APP appearing for the State, learned counsel for the informant have vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as



judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Laheri P.S. Case No. 442 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif.

(Sunil Kumar Panwar, J)

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