

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85841 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- KADAMKUAN District- Patna

GOVIND SAHANI @ BABLU SAHANI @ GOVIND KUMAR SON OF
LATE GOPAL SAHNI RESIDENT OF MOHALLA - KAZIPUR,
MACHHUA TOLI, POLICE STATION - KADAMKUAN, DISTRICT -
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishna Jha, Advocate
For the State	:	Mr.Ram Anurag Singh, A.P.P.
For the Informant	:	Mr.Vishal Vikram Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State assisted by learned counsel for the informant.

2. The petitioner seeks bail in connection with
Kadamkuan P.S. Case No. 50 of 2023 registered for the offences
punishable under Sections 302, 34 of the Indian Penal Code and
27 of the Arms Act.

3. As per prosecution case, informant's brother is
said to have been hit by pellet fired from the pistol of petitioner. It
is further alleged that petitioner and others were found at the place
of occurrence by the informant.

4. Learned counsel for the petitioner submits that
petitioner is not in any way connected with the alleged occurrence
as he has been portrayed as accused of the present case, though,



petitioner having no criminal antecedent. He further submits that petitioner has surrendered before the learned trial court and he was taken into custody on 06.02.2023. He further submits that on the basis of CCTV footage seen by the police, informant was not found with his brother who was killed during the course of occurrence. He further submitted that postmortem report also indicates that the bullet hit the stomach of the deceased which is totally inconsistent with the initial version of prosecution story.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner by submitting that from the initial version of prosecution story, the act of firing is directly attributable to the petitioner and the same is corroborated by the postmortem report of the deceased and hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with postmortem report as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

7. However, the learned trial court is directed to conclude the trial preferably within nine months from the date of receipt/production of copy of this order to the court concerned.



8. The learned trial court is further directed to expedite the case on day to day basis by sending the list of prosecution witnesses to the District Magistrate, Patna as well as the Superintendent of Police, Patna. The concerned officials are also directed to secure the presence of witnesses in accordance with law.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

