

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.698 of 2024

Arising Out of PS. Case No.-220 Year-2017 Thana- SAHEBPUR KAMAL District-
Begusarai

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Dipu Sah @ Deepak Kumar Son Of Maheshwar Prasad Sah @ Maheshwar Prasad Resident Of Roorkee Double Fatak (U.P.), Correct Address - R/O. Village - Mohanpur, P.S. - Mauhammadpur O.P., Roorkee, Post - Milapnagar, District - Haridwar (Uttarkhand) 247667 At Present Nanihah - Malhipur (Kharhat), P.S. - Sahebpur Kamal, District - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 307, 120(B), 34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per prosecution case, it is alleged that when husband of the informant reached near the gate of his shop on call by someone, two firing was made on him, which hit on his neck. The informant went at the place of occurrence after hearing sound of firing and saw five persons included the petitioner running away on two motorcycles armed with firearms.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Both the parties are agnates due to which the petitioner has falsely been implicated in this case. From perusal of FIR as well as case diary, no specific overt-act attributed against the petitioner. Similarly situated co-accused Maheshwar Prasad Sah has already been granted bail by a co-ordinate Bench of this Court vide order dt. 1.5.2019 passed in Cr. Misc. No. 28287 of 2019. Moreover, the petitioner has got no criminal antecedent and he is languishing in judicial custody since 28.7.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with S. Kamal P.S. Case No. 220 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM,-V, Begusarai.

(Sunil Kumar Panwar, J)

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