

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2389 of 2024

Arising Out of PS. Case No.-747 Year-2023 Thana- SUPAUL District- Supaul

1. Sita Ram Sah S/o- Late Nakchedi Sah R/o - Village- Parsa, P.S and District - Supaul
2. Shanti Devi W/O - Sita Ram Sah R/o - Village- Parsa, P.S and District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-04-2024 1. Heard learned Senior counsel for the petitioners,
learned APP for the State and learned counsel for the informant.

2. The petitioners have preferred this application for grant of regular bail in connection with Supaul P.S. Case no.747 of 2023 registered under sections 302, 341, 323 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that as a result of altercation between the parties, the accused persons including the petitioners herein came variously armed. On the orders of the petitioner no.1, co-accused Raju Sah caught hold the son of the informant while Sanjay Sah shot him



which hit him in his chest. It is further stated that a shot fired by the petitioner no.1 missed the informant and hit Sanjay Sah as a result of which he died.

4. Learned Senior counsel appearing for the petitioners submits that the petitioners are innocent. The manner of occurrence is other than what has been narrated in the F.I.R. So far as the first part of the occurrence is concerned, the petitioner no.1 is only said to be the order giver. So far as the second part of the F.I.R. is concerned, the deceased Sanjay Sah is the son of the petitioner and he died in a manner which has been correctly narrated in the F.I.R. lodged by the petitioner no.1. The petitioner no.2 happens to be the wife of petitioner no.1. Both the petitioners are in custody since 27.9.2023 and have no criminal antecedent.

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 not only the petitioners are named in the F.I.R. but there is direct allegation against them of having participated in the occurrence leading to the death of the son of the informant namely Mukesh Kumar.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the



two petitioners herein in the F.I.R., the petitioner no.1 having been said to be the order giver in the occurrence leading to the death of Mukesh Kumar and the other deceased Sanjay Sah being the son of the petitioners for which the petitioner no.1 has himself lodged another F.I.R. which is Annexure-2 to the petition together with the petitioners having remained in custody for more than 6 months since 27.9.2023, the Court directs both the petitioners to be enlarged on bail in connection with Supaul P.S. Case no.747 of 2023 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul.

(Partha Sarthy, J)

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