

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7078 of 2025

Arising Out of PS. Case No.-164 Year-2006 Thana- BAIKUNTHPUR District- Gopalganj

Mithu Sahni @ Verma shani @ Mithu Sahani @ Verma Sahani Son of Yamuna Sahani Resident of Village- Salempur, PS- Baikunthpur, District- Gopalganj, At present resident of Village- Bahrauli, P.S.- Masarakh, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 06-05-2025 Heard learned counsel for the petitioner, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 164 of 2006, instituted for the offences punishable under Sections 324, 307, 302 and 393 of the Indian Penal Code, read with Sections 25(1-B), 26, 35 and 27 of the Arms Act.

3. The prosecution case, in short, is that, some unknown miscreants entered into the house of the informant with an intention to commit robbery, but on raising alarm, they assaulted the informant and his family members and opened fire upon them due to which they sustained injuries. It is further



alleged that one miscreant inflicted knife blow in the abdomen of Pitamber Mahto due to which he died on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case in course of investigation by the police. The petitioner was not present at the place of occurrence at the time of the alleged incident. It is further submitted that the petitioner works at Haryana and was not present on the alleged date of occurrence. The petitioner is in custody since 26.10.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that the witnesses at paragraph nos. 46 and 47 of the case diary have revealed the name of this petitioner. The informant at paragraph no. 03 of the case diary and the witnesses at paragraph nos. 06, 07, 08, 09 and 10 of the case diary have supported the case of the prosecution. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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