

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13727 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- KALYANPUR District- Samastipur

Harishchandra Sahni S/o Aseshwar Sahni Resident of Village - Bhagirathpur,
Ward No 7, PS- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Suraj Narayan Yadav, Adv. Mr. Ranjit Kumar Yadav, Adv. Mr. Ugresh Kumar, Adv.
For the Opposite Party/s :	Mrs.Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 14-05-2025 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Kalyanpur P.S. Case No. 252 of 2024, registered for the offences punishable under Sections 308(3), 308(4), 115(2), 126(2), 109, 3(5) of the BNSS and Section 27 of the Arms Act. Later on sections 109/3(5) and 103(1) were added.

3. The informant, Ruma Choudhary, is wife of the deceased. She gave her fardbeyan stating therein that her husband, after closing his medical shop was returning home and when he reached near Masjid Campus, co-accused Gandhi Kumar Choudhury and the petitioner Harishchandra Sahni, along with three other accused persons, intercepted him. The



petitioner, after catching hold of the husband of the informant, ordered co-accused Gandhi Kumar Choudhury to fire, whereupon co-accused Gandhi Kumar Choudhury fired on her husband and all the accused persons fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Although he is named in the FIR but in the entire case diary, there is nothing against him. He has submitted further that the informant is not an eye witness. He has also submitted that paragraph no. 25 of the case diary contains the statement of Pundev Rai, who owns a shop in Masjid Market. He has stated that one person, wrapping a *gamcha*, reached to the medical shop of Sunil Kumar Chaudhary (the deceased) and wanted to fire upon him but Sunil Kumar Chaudhary started to flee away and that person chased him and ultimately, fired upon him (deceased). Paragraph no. 28 of the case diary shows that the CCTV camera installed in the Masjid captured the video of the occurrence. The person, firing at the deceased, was seen in that video footage. It has been mentioned in paragraph no. 28 that a person with a *gamcha* was seen, who fired at the deceased. Paragraph no. 29 of the case diary shows that the informant identified that person as co-accused Gandhi Kumar Choudhary.



He has next submitted that the CCTV footage falsifies the allegation made against the petitioner. The petitioner is in custody since 25.09.2024.

5. The photographs of the CCTV footage installed at the Masjid shows that one person fired at the deceased and the person was identified as co-accused Gandhi Kumar Choudhary. The petitioner is named in the FIR but the allegation is not corroborated by the CCTV footage.

6. Considering the above-mentioned facts and circumstances, let the petitioner above-named, is directed to furnish bail bond and on doing so, the court below shall release the petitioner on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur in connection with Kalyanpur P.S. Case No. 252 of 2024, subject to the following conditions that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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