

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50986 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Upendra Sahni, S/o Ramchandra Sahni, R/o Village-Patpara, P.S. -
Bibhutipur, Dist. - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Bibhutipur P.S. Case No.12 of 2024 registered for the
offences punishable under Sections 341, 323, 307, 302, 447,
448, 504, 506 read with 34 of the Indian Penal Code (in short
'IPC') and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and
is in custody since 06.03.2025.

4. Allegation against the petitioner is to open fire
upon informant and others causing firearm injury. The
occurrence alleged to be arising due to previous enmity.

5. It is submitted by learned counsel appearing for



petitioner that it was the firearm injury by co-accused Krishna Kumar, which caused death of injured Panchu Sahni after eleven months of the occurrence. It is submitted that said Krishna Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.29646 of 2025 dated 02.09.2025. It is pointed out that the allegation against petitioner is to open fire, which hit to the leg of one Lal Babu Sahni. It is submitted that the firing was opened from both sides and for the same occurrence, petitioner's side also lodged a case against informant and others which was registered as Bibhutipur P.S. Case No.19 of 2024 dated 14.01.2024. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner found involved in three petty nature of cases, like Excise, where he is on bail.

6. Learned APP while opposing the prayer of bail submitted that this petitioner specifically alleged to cause firearm injury on the leg of Lal Babu Sahni during the



occurrence but, fairly conceded that the firing was opened from both sides for which, counter case was lodged by petitioner's side also.

7. In view of aforesaid factual submissions and by taking note of fact as it is a case of indiscriminate firing opened from both sides, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 06.03.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No.12 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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