

Arising Out of PS. Case No.-46 Year-2025 Thana- SALAKHUA District- Saharsa

... .. Petitioner

Versus

... .. Opposite Party

For the Petitioner/s	:	Mr. Praveen Kumar Agarwal, Adv. Mr. Santosh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Madhuri Lata, APP Mr. Kamal Kishor Singh, Adv. Mr. Anil Kumar, Adv.

2 09-10-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Salkhua P.S. Case No. 46 of 2025, registered for the offences under Sections 103(1), 61(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. As per the prosecution case, The informant and his family members were watching a *baarat* procession in which the petitioner, co-accused Amardeep Kumar Sharma and others came there and started dancing. Suddenly in the backdrop of earlier dispute Amardeep Kumar Sharma took out a country



made pistol from the petitioner and shot at the son of the informant who succumbed to injuries while undergoing treatment.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that petitioner is not the assailant of the deceased son of the informant. The specific allegation is against co-accused Amardeep Kumar Sharma, as the petitioner and informant are having land disputes and they are agnates, the petitioner has been falsely implicated by the informant. Learned counsel for the petitioner further submits that a number of villagers have been watching the dance and during the wedding procession in course of dancing there was joy firing and in this firing son of the informant received bullet injuries. The petitioner has no motive to commit the crime against the son of the informant. The petitioner has no criminal antecedent and is in custody since 12.03.2025. The charge-sheet has been submitted.

5. Learned A.P.P. and learned counsel appearing on behalf of the informant vehemently opposes the submission made by the counsel for the petitioner and submits that it has come during investigation that it might be the petitioner who



handed over the country made pistol to the co-accused who then fired upon the son of the informant and he died subsequently.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that specific allegation of firing is against the co-accused and further considering the clean antecedent of the petitioner, period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Salkhua P.S. Case No. 46 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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