

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76397 of 2024

Arising Out of PS. Case No.-346 Year-2024 Thana- CHAPRA TOWN District- Saran

Ramakant Solanki @ Ramakant Singh Son of Late Jagnarayan Solanki
Resident of village- Bada Telpa, PS- Chhapra Town, District- Saran at
Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma- Sr. Advocate Mr. Yashraj Bardhan- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.
For the Informant	:	Mr. Bashishtha Narayan Mishra- Advocate Mr. Avinash Raj- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 10-01-2025 1. Heard learned senior counsel for the petitioner,

learned APP Sri Chandra Bhushan Prasad for the State and the

learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the

offences punishable under Sections 147, 148, 149, 307, 302/34

and 120B of the Indian Penal Code and Section 27 of the Arms

Act and later on, Sections 25(1-b)a, 26 and 35 of the Arms Act

were also added.
3. The Station House Officer-cum-Investigating

Officer of the case in compliance of the order dated 20.12.2024

is present in the Court.
4. The learned senior counsel for the petitioner



submits that the petitioner is in custody since 22.05.2024, he is a person with clean antecedent and is a reputed businessman of the area and is running various institutions. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant is not an eye witness to the occurrence. It is further submitted that no doubt, in the FIR, the informant alleges that it was this petitioner, who fired causing firearm injury to Chandan Singh i.e. son of the informant, who succumbed to his injury. The learned senior counsel next submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence is alleged to have taken place during the recently concluded Lok Sabha Election, when passion were running high as candidates from two well-known political parties were contesting. The learned senior counsel next submits that since informant is not an eye witness to the occurrence, as such, it is difficult to believe that he saw the petitioner committing the occurrence. It is also submitted that from perusal of the FIR, it would manifest that informant himself has stated in the FIR, that accused persons fled away, when they saw the informant along with others coming towards the place of occurrence on hearing the sound of firing, as such, when the occurrence was committed, thereafter the informant



reached the place of occurrence. The learned senior counsel further submits that it absolutely does not stand to reason that as to why a reputed businessman of the area would indulge in such an act and thus, would jeopardize his entire career and business. It is also submitted that the occurrence was committed at 7.40 A.M. on 21.05.2024, thereafter the inquest report of the deceased was prepared at 8.00A.M. and thereafter, at 10.30 A.M. the post mortem of the dead body of the deceased was carried out. It is next submitted that the FIR on the same day came to be instituted at 8.30 P.M. i.e. after the inquest and the post mortem was conducted. It is thus submitted that since the informant became aware of the injury caused to his son, as such, it appears that at behest of some political person, he implicated the petitioner for some ulterior reason since he is a reputed person and a businessman of the area.

5. The learned senior counsel for the petitioner submits that no doubt, the petitioner is alleged to be the assailant of the deceased and it is the father of the deceased who has instituted the instant FIR, as such, it can be presumed that why the father would try to falsely implicate someone, who is not the assailant of his son, but then, it is submitted that since informant is not an eye witness to the occurrence nor he has disclosed in



the FIR as to who informed him that it was petitioner, who had shot his son cast an aspersion on the case of the prosecution.

6. The learned counsel appearing on behalf of the informant submits that there is CCTV footage of the occurrence also.

7. The S.H.O.-cum-Investigating Officer of the case is present in the Court. The S.H.O. submits that investigation against the petitioner has been completed and charge-sheet has been submitted. It is next submitted that during the course of investigation, the CCTV footage of the occurrence was also investigated and it was found that no doubt, the petitioner was present at the place of occurrence, but then, he was not firing rather his brother along with Pintu were firing. It is also submitted that charge-sheet has been submitted and the investigation against the petitioner has been completed, but then, he has not been charge-sheeted as the main assailant rather has been charge-sheeted on the ground that he was also found present at the place of occurrence. The S.H.O. further submitted that the house of the petitioner was raided and arms were seized and the same has been sent to the FSL for Forensic Examination.

8. The learned senior counsel appearing on behalf of



the petitioner thus submits that during the course of investigation also, it transpired that it was not this petitioner who fired. It is next submitted that it appears that the informant despite not being the eye witness to the occurrence named the petitioner, which amply demonstrates that the same was for some ulterior reason.

9. The learned counsel appearing on behalf of the informant submits that in the event, if the privilege of bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner is having roots in the society is a reputed businessman of the area with absolutely clean antecedent, he will not abscond rather will cooperate in the trial to prove his innocence.

10. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-X, Saran at Chhapra in connection with Chhapra Town P. S. Case No.346 of 2024.

11. The application stands allowed.



12. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds after recording reasons.

13. The personal appearance of the S.H.O. cum- Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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