

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78452 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Akhilesh Sahni @ AKlesh Son of Late Gonelal Sahni R/o Village
Sambhupatti, P.S. Karpurigram, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Adv

For the Opposite Party/s : Mr.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 19-03-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with Musarigharari P.S Case No. 162 of 2023 registered for the offences punishable under Sections 302, 120(B)/34 of the I.P.C and Section 27 of the Arms Act 1959.

3. As per prosecution case, son of the informant namely Deepak Kumar was playing cards in the vacant farm and during course of gambling, altercation took place and co-accused Birju Sahni and Akhilesh Sahni shot the son of the informant and his son sustained bullet injury on his abdomen and neck and he was brought to hospital where doctor has declared his son dead.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He further submits that there is no specific allegation as regard to causing firearms injury has been leveled against this petitioner. He next submits that petitioner's name has been figured from the confessional statement of the co-accused namely Mukesh Sah. He further submits that the informant is not the eye witness to the alleged occurrence. It is also submitted that petitioner is in judicial custody since 11.08.2024 having one criminal antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 28.08.2024 and Case diary, it appears that from paragraph 5, 10, 11, 12 and 25 several witnesses have supported the allegation leveled against the petitioner and the fact that accused Birju Sahni and Akhilesh Sahni in connivance with each other had shot the son of the informant due to which is sustained bullet injury and succumbed to death and submissions made on behalf of the petitioner and considering the fact that specific allegation of firing is upon the petitioner, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the bail application of the petitioner is
hereby rejected.

(Ramesh Chand Malviya, J)

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