

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79849 of 2025

Arising Out of PS. Case No.-205 Year-2019 Thana- BHORE District- Gopalganj

Lal Bachan Sahni, S/o Nageshwar Sahni, Resident of village - Bhawani
Chhapar, Ersat Tola, P.S. - Sri Rampur, District - Deoria (U.P).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sessions Trial No.506 of 2024 arising out of Bhorey P.S.
Case No.205 of 2019 registered for the offences punishable
under Sections 302, 404, 120-B read with 34 of the Indian
Penal Code (in short 'IPC') and Section 27 of the Arms Act.

3. The accused/petitioner is not named in the FIR
and is in custody since 06.02.2024.

4. As per FIR, total of nine co-accused persons
specifically alleged to commit murder of younger brother of
the informant while he was monitoring the ongoing
construction work of petrol pump on 13.06.2019.



5. It is submitted by learned counsel appearing for petitioner that the informant, who claimed himself to be an eye witness of the occurrence categorically stated through FIR that six named co-accused persons were involved in alleged firing in which his younger brother was died on spot and also named three accused persons as conspirators. It is submitted that FIR also disclosed the name of three persons, who witnessed the occurrence. It is submitted that it is not a case of the informant that some unknown miscreants were also involved in the occurrence. Arguing further, it is pointed out that during investigation on the basis of confessional statement of co-accused Vishal Singh, who was also not initially named, the name of this petitioner transpired in connection with present case, in furtherance of which, no incriminating material appears recovered/surfaced during investigation as to connect petitioner *prima facie* with present crime in question. It is submitted that other unknown accused persons, who implicated with present case has already been acquitted by learned trial court through Sessions Trial No.663 of 2022 dated 11.04.2025. 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.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as petitioner was not named with FIR in view of the fact that informant claims himself as an eye witness of the occurrence with no allegation that other unknown co-accused persons were also involved in the occurrence, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 06.02.2024, 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 Additional Sessions Judge-VIII, Gopalganj in connection with Sessions Trial No.506 of 2024 arising out of Bhorey P.S. Case No.205 of 2019, 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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