

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25743 of 2015

Arising Out of PS.Case No. -68 Year- 2013 Thana -SAHEBGANJ District- MUZAFFARPUR

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Saheb Kumar Sahni @ Saheb Sahni Son of Satya Narayan Sahni Resident of
Village - Mohabatpur, P.S. - Deoriya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 09-12-2015

Heard learned counsel for the petitioner and learned A.P.P. for
the State.

The petitioner seeks bail in Sahebganj P.S. Case No. 68 of 2013
instituted under Sections 147, 148, 149, 342, 387, 435, 50 of the
Indian Penal Code and Section 17 of the C.L. Act.

This is second attempt by the petitioner to seek bail in the said
case as earlier such prayer was rejected by order dated 12.11.2014 in
Cr. Misc. No. 15717 of 2014.

Learned counsel for the petitioner submits that the petitioner
besides not being named in the F.I.R. was implicated only on the basis
of a so-called confessional statement made by him in another case and
the senior Police Officers in the supervision note had also expressed
their suspicion with regard to the involvement of the petitioner in the



incident. It is submitted that the petitioner has been remanded in the present case on 25.08.2013. Learned counsel submits that one Rajeev Ranjan who was also not named in the F.I.R. but three witnesses were shown to have taken his name with regard to his involvement in the incident had earlier moved the Court seeking bail which was rejected by order dated 12.11.2014 in Cr. Misc. No. 36704 of 2014 and thereafter he had again approached the Court on the basis of the said three witnesses in their deposition before the Court not taking his name. It is submitted that the Court had granted him bail on such ground by order dated 02.12.2015 in Cr. Misc. No. 19597 of 2015. Learned counsel submits that the petitioner has a better case than Rajeev Ranjan since nobody has taken his name and even those three witnesses who have deposed before the trial Court have not taken the name of the petitioner. It is submitted that because of the petitioner being implicated in one case, the Police in all similar cases has been implicating him and he is on bail in all other cases.

Learned A.P.P. submits that the stand of the petitioner needs to be verified from the Police Papers.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction

of the learned S.D.J.M. (West), Muzaffarpur, in Sahebganj P.S. Case No. 68 of 2013 subject to the Court verifying from the Police Papers that none of the witnesses either during the course of investigation or trial have taken the name of the petitioner to be one of the miscreants.

Further, the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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