

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40726 of 2016

Arising Out of PS.Case No. -85 Year- 2012 Thana -PURAINI District- MADHEPURA

1. Pankaj Sahni Son of late Sushil Deo Sahni Resident of Village- Ajgaiwa,
Police station Chausa (Fulaut O.P), District Madhepura.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Puraini P.S. Case No. 85 of 2012, disclosing offences under Sections 341, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code has also been added.

The petitioner had earlier approached this Court for grant of anticipatory bail vide Criminal Miscellaneous No. 25046 of 2013, which was dismissed by order dated 06.01.2014. It is, however, contended on behalf of the petitioner that thereafter, the police submitted report, under Section 173 of the Cr.P.C., in which the petitioner was found to



be not involved in commission of offence alleged. He has submitted that though co-accused, Parsuram Sahni @ Pravin Sahni, was sent up for trial by the police. Despite the said police report, learned Judicial Magistrate, 1st Class, Uda-Kishunganj, District- Madhepura, took cognizance of the offence by an order dated 12.05.2014 and issued summons to this petitioner also. He has further submitted that the said co-accused, Parsuram Sahni @ Pravin Sahni, by an order dated 26.11.2014 passed in Criminal Miscellaneous No. 20084 of 2014, has been granted anticipatory bail. It has been submitted that the case of the petitioner is on better footing than that of Parsuram Sahni @ Pravin Sahni. It has also been submitted that since the investigation is complete and the police have found the petitioner not to be involved in the commission of offence, no tangible purpose will be served if the petitioner is allowed to be taken into custody.

I find substance in the submission made on behalf of the petitioner. This application is, accordingly, allowed. Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of

learned Judicial Magistrate, 1st Class, Uda-Kishunganj, District-Madhepura, in connection with Puraini P.S. Case No. 85 of 2012, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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