

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23650 of 2018

Arising Out of PS.Case No. -20 Year- 2016 Thana -MUZAFFARPUR RAIL P.S. District- SARAN

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Sanjay Sahani, S/o Sonfula Sahani, Resident of Village- Karmadih, P.S. Turki (O.P.), District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-04-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 342, 427, 435, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 15/17/20 of Unlawful Activities (Prevention) Act, 1967.

The prosecution case as per the written report of Baidyanath Singh, Guard of Hari Construction Company submitted to the Station House Officer, Rail P.S., Muzaffarpur, is to the effect that on 26.03.2016 at 12.30 A.M. the informant was on the duty when 30-35 persons came variously armed and assaulted on the shoulder of the informant with the butt of the



revolver and locked all the employees of the construction company. The accused persons were searching for the owner and the Project Manager of the company. The accused persons snatched the mobile of the informant and diesel put several vehicles on fire by pouring diesel and thereafter they left the place, leading to registration of FIR against 30-35 unknown persons.

It is submitted by learned counsel for the petitioner that the FIR has been lodged against unknown, the name of the petitioner sprang up during investigation on confession of some of the apprehended co-accused. It is further submitted that the petitioner is not having any criminal antecedent and only on the basis of confession of the co-accused, the petitioner has been roped in the present case and there is no recovery from the petitioner. Moreover, similarly situated co-accused persons Ganaur Kumar Paswan, Rakesh Thakur, Bindu Sahani and others have been granted anticipatory bail by different Benches of this Court vide Cr. Misc. Nos. 47946 of 2017, 52288 of 2017 and 53352 of 2017 and some of the accused persons have been granted anticipatory bail by learned Sessions Judge.

Learned APP, however, submits that the



name of the petitioner sprang up during investigation on the confession of the co-accused.

Considering the fact that name of the petitioner sprang up on the confession of the co-accused and Sessions Judge order does not depict any specific material collected during investigation coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M (Railway), Sonapur (Saran) in connection with Muzaffarpur Rail P.S. Case No. 20 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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