

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60499 of 2019

Arising out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

LAL BABU SAHNI, Son of Ramshikil Sahni, Resident of Village-
Dihbuchauli, P.S.-Jandaha, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 11-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 310 of 2018, dated 28.12.2018, registered at Police Station Jandaha under Sections 147, 148, 149, 302, 307, 326 and 384 of the Indian Penal Code, Section 27 of the Arms Act, Section 3 of the Explosive Substance Act and Sections 13, 16, 19 and 20 of the U.A.P. Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Undisputedly, the petitioner who was arrested on 11th of March, 2019, has fully cooperated during the investigation. In the First Information Report, name of the petitioner is not



mentioned. Also, no role is ascribed to the petitioner and that no recovery has been effected from the petitioner. As per the learned counsel, petitioner has fully cooperated during the investigation.

It is seen that in relation to the crime in question, the complicity of the accused is inferred on the basis of confessional statement made by the co-accused Ritu Devi, who stands reported to be enlarged on bail in relation to the same offence by a coordinate Bench of this Court and that the firearm cannot be linked to the accused.

Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

In the First Information Report, there is no reference of the accused. The crime took place on 27.12.2018 and thus far during the course of investigation nothing incriminating has been found against the accused.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 11.03.2019; no custodial interrogation is required and the petitioner has fully



cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 310 of 2018, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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