

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7744 of 2020

Arising Out of PS. Case No.-735 Year-2019 Thana- KHAGARIA District- Khagaria

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GAINU SAHNI, S/o Late Bhagwat Sahni, Resident of Village - Sanhauli,
P.S.- Chitragupta Nagar, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 27.11.2019 in a case registered for the offences punishable under Sections 341, 323, 504, 379, 506, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Manju Devi submitted before the Chitraguptanagar Police Station is to the effect that Gainu Sah, the petitioner and Sudho Sahni are indulged in trafficking of illicit liquor and gambling which was being objected by the informant. As a result, on 21.09.2019, at 8.30 A.M., both the accused persons along with five unknown came and started abusing the informant and asked



to close the tea stall of the informant. The accused persons also snatched jewellery worth Rs.6000/- and cash amount of Rs.900/- from the informant and resorted to fire but the firing did not hit any one.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and due to enmity, the accusation has been levelled. Admittedly, injury has not been caused to anyone and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that though the petitioner has resorted to fire, but no injury has been caused to anyone. He also took away the jewellery and cash amount of the informant.

Considering the fact that no injury has been caused to the informant and the investigation has already been concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Khagaria, in connection with Khagaria (Chitragupta Nagar)



P.S. Case No.735 of 2019 .

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Khagaria, in connection with Khagaria (Chitragupta Nagar) P.S. Case No.735 of 2019 .

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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