

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8337 of 2020

Arising Out of PS. Case No.-21 Year-2019 Thana- BHAGWANPUR District- Begusarai

Rohit Sahni (Male-22 years), S/o -Late Sipahi Sahni R/o- Tandi Ward No. 09
- Jokiya, P.S.- Bhagwanpur, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Satyavrat Verma, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Shubesh Pandey, learned counsel for the petitioner; Mr. Satyavrat Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Amit Kumar Anand, learned counsel for the informant.

3. The petitioner is in custody in connection with Bhagwanpur PS Case No. 21 of 2019 dated 11.02.2019 instituted under Sections 147/149/302/307/504 of the Indian Penal Code.

4. The allegation against the petitioner and seven others is of assault by *lathi*, *danda* and *khanti* on the husband of the informant leading to his death.

5. Learned counsel for the petitioner submitted that



the allegation is general and omnibus against all the accused. It was further submitted that though the death has occurred but it has not been stated as to who had hit with what weapon and on what part of the body. Learned counsel submitted that Arvind Mahto @ Arvind Mahton has been granted bail by a coordinate bench on 18.12.2019 in Cr. Misc. No. 71610 of 2019. It was further submitted that Shivnandan Mahto has been granted bail on 28.02.2020 in Cr. Misc. No. 10346 of 2020 and Ram Udgar Mahto has also been granted bail on 05.06.2020 in Cr. Misc. No. 1145 of 2020. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 30.07.2019.

6. Learned APP, from the case diary, submitted that the postmortem report reveals injury on the head and ribs. However, he did not controvert the fact that against all the eight accused the allegation is common, general and omnibus.

7. Learned counsel for the informant, while adopting the argument of learned APP, further added that there was a case filed from the side of the informant against the accused earlier and they were pressurizing the informant side to withdraw the case, which has led to such incident.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai in Bhagwanpur PS Case No. 21 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that 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 case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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