

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6515 of 2020

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

Rakesh Sahani, S/o Ashok Sahni, R/o village- Mahmmdpur (Mahmudpur),
P.S.- Tajur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with Jandaha P.S. Case No.310 of 2018 instituted for the offence punishable under Sections 147, 148, 149, 302, 307, 326, 384 of the Indian Penal Code, Section 27 of the Arms Act and Section 3 of the Explosive Substances Act and Sections 13/16/19/20 of the



Unlawful Activities Prevention Act.

The prosecution case is that 9-10 unknown persons with their faces covered have gone to the house of the informant and done to death the informant's brother.

Counsel for the petitioner submits that the petitioner is not named in the F.I.R. Investigation also has revealed specific role of co-accused Amarnath Sahani, Ijaj and Raja. A large number of persons have been made co-accused, including the instant petitioner. The name of the instant petitioner is said to have been disclosed by co-accused Ritu Devi. Said Ritu Devi has been allowed bail in Cr.Misc. No.43046 of 2019. The petitioner is in custody since 13.08.2019. It is submitted that chargesheet has already been submitted in the instant case. The petitioner is already on bail in Patepur P.S. Case No.224 of 2018.

Learned APP for the State has opposed the prayer for bail. It has been submitted that the petitioner along with a large number of extremists have committed the offence. As such, the petitioner is not entitled to the privilege of bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XI, Vaishali at Hajipur, in connection with Jandaha P.S. Case No.310 of 2018, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order



within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of A.C.J.M.-XI, Vaishali at Hajipur and the competent authority of the State in terms of clause (3) i of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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