

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7867 of 2020

Arising Out of PS. Case No.-308 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

BHAJJU SAHNI Son of Late Fudeni Sahni Resident of Village- Nanathi Dih,
P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-06-2020 The matter has been taken up through virtual Court proceeding.

None appears on behalf of the petitioner. However, learned counsel for the State is present.

The petitioner is languishing in jail since 19.10.2019 in a case registered for the offences punishable under Sections 147,148,149,447,341,323,325,315,307,302,504 and 506 of the IPC.

The prosecution case, as per the written report of Raj Balak Sahni submitted to the SHO, Bochahan Police Station is to the effect that on 25.8.2019 at about 10.00 P.M., the younger brother of the informant namely Manish Sahni was sleeping outside the house on a cot. Thereafter, Ruma Kumari woke him up and started taking him towards Anganbari Centre while



holding his hand, which was witnessed by Manoj Sahni, as a result, they started assaulting Manoj Sahni, the brother of the informant and Ruma Kumari, but some how they managed to flee away. Subsequently, on 26.8.2019, the father of Ruma Kumari lodged a criminal case alleging accusation under Section 354 of the IPC against the brother of the informant. On 27.8.2019 at 3.00 P.M., while the informant was sitting in his house, 17 accused persons including the petitioner came variously armed and on the order of co-accused Ramesh Sahni and Sanjeet Sahni, co-accused Ratnesh Sahni handed over an iron rod to Ramesh Sahni and asked him to kill the informant when on being asked, co-accused Ramesh Sahni penetrated the anus of the informant by the iron rod, causing bleeding injury. Thereafter, co-accused Dharmendra Sahni assaulted the brother of informant, namely, Manoj Sahni on his head. When the wife of the informant, namely, Chandni Kumari who was pregnant, came to rescue, she was being assaulted by co-accused Ram Ishwan Sahni, Ramesh Sahni and Rajlal Sahni, as a result, the wife of the informant ultimately succumbed to the injury.

From the pleadings in the petition, it appears that the petitioner was a member of the mob and there is no specific accusation of assault against the petitioner. Similarly situated



co-accused Ratnesh Sahni alias Ratneshwar Sahni has been granted bail vide order dated 9.1.2020 passed in Cr. Misc. No. 1651 of 2020 by a bench of this Court (since retired). Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the investigation has already been concluded.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the specific accusation of assault has not been levelled against the petitioner, investigation has already been concluded, similarly situated co-accused has been granted bail by a bench of this Court, coupled with the period in custody, 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 ACJM-14, Muzaffarpur in connection with Bochahan P.S. Case No. 308 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 of the like amount each to the satisfaction of the learned ACJM-14, Muzaffarpur including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding physical mode is not resumed in three months.

(Dinesh Kumar Singh, J)

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