

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9485 of 2020

Arising Out of PS. Case No.-17 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Manoj Sahni @ Imran Khan S/o Mahadev Sahni R/o Mohalla - Sikandarpur
Kundal, P.S. - Town, District - Muzaffarpur. A/P Village - Chhit Bhagwatipur,
P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Satyavrat Verma

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 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
24.10.2019 in a case registered for the offences punishable
under Sections 302/34, 120B of the Indian Penal Code and
Section 27 of the Arms Act. Subsequently, Sections
25(1-B)a/26/35 of the Arms Act were also added, hence, the
prayer for bail has been made through the present application.

The prosecution case, as per the fardbeyan of Vinay
Kumar recorded by S.I., Dhiraj Kumar Singh, Town P.S.
Muzaffarpur on 11.01.2018 at 11.45 A.M. at SKMCH,



Muzaffarpur, is to the effect that on 10.01.2018 at 8.30 P.M., the informant's nephew, Rohit Kumar, a staff of the shop namely, Ravi Kumar and a customer were at his jewelleary shop, in the meantime, two persons concealed their face entered into the shop, in the meantime, the nephew of the informant tried to escape from the scene then one of the persons fired at Rohit on his chest and thereafter, both the persons escaped from the scene, leading to registration of the case against unknown. The name of the petitioner sprang up during investigation when co-accused Ravi Kumar @ Monu Patel and Baidyanath Paswan were apprehended. Co-accused Ravi Kumar @ Monu Patel confessed his guilt before the police and he also disclosed the name of the petitioner as a person who was involved in the said occurrence and the name of the petitioner also surfaced in the statement of co-accused Vicky Kumar.

It is submitted by learned counsel for the petitioner that thee is no recovery from the possession of the petitioner and he has never been put on T.I. Parade. Moreover, the co-accused persons, on whose confession, name of the petitioner sprang up, i.e., co-accused Monu Patel and Baidhnath Paswan and other co-accused persons have been granted bail. Co-accused Vicky Kumar vide Cr. Misc. No. 33737 of 2018, Ranjeet Paswan vide



Cr. Misc. No. 39737 of 2018, Monu Patel vide Cr. Misc. No. 60942 of 2018, Baidhnath Paswan vide Cr. Misc. No. 45370 of 2018, Babul Kumar Singh vide Cr. Misc. No. 49917 of 2018 and Pradeep Sah vide Cr. Misc. No. 77057 of 2018 have been granted bail by different Co-ordinate benches of this Court. Though the petitioner is accused in eight other cases but he is on bail in all those cases, though statement to that effect has not been made in the petition.

Learned APP submits that the name of the petitioner sprang up during investigation and he has serious criminal antecedent.

Considering the fact that name of the petitioner sprang up on the confession of co-accused persons, who have been granted bail by Co-ordinate benches of this Court, investigation has already been concluded and there is no likelihood of trial being concluded in near future due to the present pandemic, COVID-19 since the physical court is not functional, 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 IVth Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 570 of 2019, arising out of Muzaffarpur



Town P.S. Case No. 17 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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 IVth Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 570 of 2019, arising out of Muzaffarpur Town P.S. Case No. 17 of 2018.

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

Considering the serious criminal antecedent of the petitioner, the learned court below will positively cancel the bail bonds of the petitioner, if the petitioner gets substantially



involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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