

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10548 of 2020

Arising Out of PS. Case No.-1117 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Sanjay Kumar, aged about 25 years, Male, Son of Shankar Sahani Resident of
Village - Bishundat, P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 29-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

In this case, the petitioner is seeking bail in connection with Ahiyapur P.S. Case No. 1117 of 2019 registered for offences under sections 395 of the Indian Penal Code.

In the present case, an allegation has been made by the Informant that on 12.9.2019, she was taking rest after taking meal. At about 12.30 AM when she was talking with her husband on mobile, two persons entered into the house after scaling the wall, they put pistol on her temple and have also put knife in the neck of her daughter Alisha Fatma and asked to open the main gate and when the Informant resisted, they started to assault them and the accused persons unlocked the main gate of the house whereupon 9-10 persons entered into the house and



broke open the Godrej Alimrrah and taken away Rs. 20,000/-, a gold chain and one pair of earring and threaten if she would inform the police, she will face the consequences. While the persons were leaving the place, the Informant could identify one of the accused persons, namely, Deepak Kumar Sahni.

Learned counsel for the petitioner submits that Deepak Kumar Sahani has been granted bail by this Court vide order dated 1.6.2020 passed in Cr. Misc. No. 11284 of 2020. He further submits that Rajan Sahani and Amarjeet Sahani have also been granted bail by this Court vide orders both dated 4.6.2020 passed in Cr. Misc. No. 18269 of 2020 and Cr. Misc. No. 18593 of 2020 respectively.

Learned counsel for the petitioner further submits that the name of the petitioner has come on the confessional statement of co-accused Deepak Kumar Sahni who has been granted bail and, thus, the present petitioner should be granted bail inasmuch as the petitioner is languishing in jail custody since 1.10.2019 having no criminal antecedent.

Looking to the facts and circumstances of the case, 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 learned Chief Judicial



Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1117 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the office of the Superintendent of Police, Muzaffarpur by 7th of every month for at least one year and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled and the police will be at liberty to arrest the petitioner.

(Shivaji Pandey, J)

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