

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86976 of 2019

Arising Out of PS. Case No.-66 Year-2015 Thana- HAYAGHAT District- Darbhanga

RANJEET SAHNI @ RANJEET CHOUDHARY Son of Phoolo Sahani
Resident of Village - Maniparpur, P.S.- Kalyanpur, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dilip Kumar Roy
For the Opposite Party/s :	Mr.Binod Kumar
	Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Dilip Kumar Rai, learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Hayaghat P.S. Case No. 66 of 2015 for the offence punishable under Sections 364(A), 302, 120(B), 201/34 of the Indian Penal Code.

The case of the prosecution in brief is that the son of the informant was called by his friend on his mobile phone whereafter he went away but he did not return back to his house.



Subsequently, during the course of the investigation by the Police, co-accused persons, namely, Munna Sahni and Kundan Sahni were apprehended by the Police and their confessional statement was recorded as also they had disclosed the plan they had hatched to demand ransom money from the father of the kidnapped boy, namely, Rohit Kumar and moreover on the disclosure made by the said two accused persons, the Police had recovered the decayed and decomposed body of the deceased from the place where the same had been buried.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused person, namely, Munna Sahni, is having a clean antecedent and is languishing in custody since 14.11.2019. It is further submitted that charge sheet has already been filed in the present case and there is no longer any need of custodial interrogation of the petitioner herein, hence the petitioner can be released on regular bail. Lastly, it is submitted that the said Munna Sahni, on whose confessional statement the name of the petitioner has transpired, has already been granted regular bail by a coordinate Bench of this Court by an order dated 03.05.2016 passed in Criminal Misc. No. 11642 of 2016.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and perused the materials on record as also the case diary, from which it is apparent that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused person, namely, Munna Sahni. It is also apparent from the records that nobody has last seen the petitioner in the company of the deceased victim boy and moreover prime facie there appears to be no material so as to conclusively prove the guilt of the petitioner, as far as the present bail petition is concerned.

Considering the aforesaid facts and circumstances of the case, taking into account the submissions made by the learned counsel for the petitioner, as also considering the fact that the co-accused person, upon whose confessional statement, the name of the petitioner has transpired in the present case, has already been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 14.11.2019, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to



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 Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Hayaghat P.S. Case No. 66 of 2015.

(Mohit Kumar Shah, J)

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