

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12240 of 2021**

Arising Out of PS. Case No.-688 Year-2019 Thana- TURKAULIYA District- East  
Champaran

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SANDEEP SAHANI S/O AKALU SAHANI R/O VILLAGE JHAKHIYA, PS  
BANJARIA, DISTRICT EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar No.Iii  
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

3      12-07-2021                      This matter is taken up for consideration through  
  
Video Conferencing under the orders of Hon'ble the Chief  
  
Justice.

Heard both parties.

The petitioner seeks bail in Turkauliya (Banjariya)  
  
P.S. Case No. 688 of 2019, registered for the offence punishable  
  
under Section 394 of the Indian Penal Code and section 27 of  
  
the Arms Act.

As per the prosecution case, while the informant along  
  
with his *Sarhu* was going to his home on motorcycle, on the  
  
way, three unknown miscreants came on motorcycle and started  
  
assaulting the informant and when his *Sarhu* came to save him  
  
he was also assaulted by them and one of them fired upon him,



as a result of which he sustained injury on his neck and they also snatched away motorcycle.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Mukesh Sahani who has been granted bail by this Court vide order dated 30.01.2021 passed in Cr. Misc. No. 36518 of 2020. No looted article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is accused in two more cases, but in both cases he is on bail and he is in custody since 08.07.2020.

Considering the facts and circumstances of the case and the fact that no looted article has been recovered from possession of this petitioner, the petitioner above-named, is directed to be enlarged 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 Chief Judicial Magistrate, Motihari, East Champaran. in connection with Turkauliya (Banjariya) P.S. Case No. 688 of 2019, subject to following conditions:-



(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Prabhat Kumar Singh, J)**

vinita/-

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