

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20947 of 2021**

Arising Out of PS. Case No.-224 Year-2018 Thana- PATEPUR District- Vaishali

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ASHESHWAR SAHNI SON OF LATE MANSHIV SAHNI @ MUNSHI
SAHNI R/O VILLAGE- JANDAHA, DISTRICT-DIHBUCHAULI, P.S.-
JANDAHA, DISTRICT- VAISHALI AT HAJIPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar,Advocate

For the Opposite Party/s : Mr.Atul Chandra,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Patepur P.S. Case No. 224 of 2018

registered for the offences punishable under Sections 364, 120B,

302, 201 of the Indian Penal Code and Section 27 of the Arms

Act and Section 13/16/19/20 of the Unlawful Activities

(Prevention) Act.

Learned counsel for the petitioner submits that from

the First Information Report, it would appear that the name of

this petitioner is mentioned in the FIR as one amongst the four



accused persons who had allegedly surrounded the deceased Ramesh Jha and Ramesh Jha had disclosed this to his wife over her mobile phone. However, when the informant and other co-villagers reached at the alleged place of occurrence, she gives the name of nine other co-accused who were seen lased with pistol, gun etc. At this stage, the petitioner was not seen by the informant.

Learned counsel further submits that in course of investigation no material save and except the confessional statement of co-accused Ritu Devi could be extracted. It is submitted that said Ritu Devi has been released on bail by a learned Co-ordinate Bench of this Court and the main accused Surendra Sahni has also been granted bail in Cri. Misc. No. 53746 of 2019. He has placed on record the several orders passed by learned Co-ordinate Benches of this Court whereby the co-accused have been granted bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but it is not denied that the learned Co-ordinate Benches of this Court have been pleased to grant privilege of bail to several co-accused including Surendra Sahni, Sitabiya Devi, Ritu Devi, Tufani Sahani, Rakesh Sahni and Md. Ajaj, considering that the case of the



petitioner stands on similarly footing, he has remained in jail in connection with this case since 05.11.2020, investigation against him is complete but the trial is not likely to take place in near future, he has got one case on his head in which his prayer for bail is said to be pending, so far as the present case is concerned, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Vth, Vaishali at Hajipur in connection with Patepur P.S. Case No. 224 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

