

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21419 of 2021

Arising Out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

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Asheshwar Sahni Son of Late Manshiv Sahni Resident of Village - Jandaha,
District - Dihbuchauli, P.S.- Jandaha, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard the parties through virtual court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 302, 307, 326, 384 of the Indian Penal Code, 27 of the Arms Act, Section 3 of Explosive Act and Sections 13, 16, 19, 20 of Unlawful Activities Prevention Act, 1967.

As per allegation, 9-10 unknown accused persons, covered their face with cloths, are alleged to have shot multiple times on the brother of the informant, who died on spot.

Learned counsel for the petitioner submits that petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that petitioner has been made accused in this case on the confessional statement of the Ritu Devi before the police, which has no evidentiary value in



the eye of law. He submits that similarly situated co-accused have been granted bail by different Benches of the Court as enclosed at Annexure-3 series. He further submits that petitioner bears one criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 26.09.2020.

Considering the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jandaha P.S. Case No. 310 of 2018, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.



(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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