

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26457 of 2021**

Arising Out of PS. Case No.-206 Year-2018 Thana- BHAGWANPUR District- Vaishali

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GARIBNATH SAHNI @ GARIBAN SAHNI S/o Matar Sahni Resident of
Village - Ram Math, P.S. - Vaishali, Belsar (O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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

2 06-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 394, 302 of the Indian
Penal Code and u/s 27 of Arms Act.

As per the prosecution case, the informant's brother
has been killed by two unknown persons at the Customers
Service Center.

It is submitted that petitioner is not named in the FIR.
The name of petitioner surfaced in the case in the confessional
statement of co-accused, Suraj Sahni and Rakesh Kumar. No
incriminating article has been recovered from the conscious
possession of the petitioner. No Test Identification Parade has
been done till date. Although it is stated in paragraph 3 of the
bail petition that petitioner is accused in two other criminal



cases but in one case he is on bail and in another case he has already filed bail petition, which is pending. Similarly situated co-accused Rakesh Kumar has already been granted bail by a coordinate Bench of this court vide order dated 15.12.2020 passed in Cr. Misc. No. 27906/2020. Petitioner has been remanded in this case on 28.08.2020 from Bhagwanpur PS case No. 156/2020 and since then he is in custody.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur PS case No. 206/2018 on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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