

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31339 of 2021

Arising Out of PS. Case No.-1243 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

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RAM PRAVESH SAHANI Son of Rajeshwar Sahni Resident of Village -
Korlahia, P.S.- Runnisaidpur, District - Sitamarhi- 843117.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1243 of 2019 registered for the offences punishable under Sections 147, 149, 307 of the I.P.C. and Section 27 of the Arms Act.

According to prosecution case, on 16.10.2019 at 9:00 A.M., petitioner along with other accused persons came at the door of the informant. Co-accused Rakesh Kumar called his son



and petitioner took the son of the informant on pretext of recovery of his mobile. On query made by the informant, the accused persons told that they were taking his son by the side of Kulhua Maan. After sometime, the informant's son came running in injured condition and blood was oozing out from his left shoulder. His son disclosed that Rakesh Kumar caused firearm injury to him and petitioner and Vikash Kumar had caught his both hands.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that entire allegations levelled against the petitioner are false and concocted. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that co-accused Rakesh Kumar, against whom there is allegation of firing, has been granted bail by the learned court below itself vide order dated 10.11.2020 passed in B.P. No. 1265 of 2020 (Annexure-2). Petitioner is in custody since 16.01.2021. Petitioner carries one criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, 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 the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1243 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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.

(Rajesh Kumar Verma, J)

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