

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35066 of 2021

Arising Out of PS. Case No.-705 Year-2019 Thana- SARAIYA District- Muzaffarpur

Birju Sahani @ Brijnandan Sahani aged about 24 years S/o Harendra Sahani
R/o village- Basaitha Konhi, P.S.- Saraiya, District- Muzaffarpur ... Petitioner
Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. SK Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 307 and other ancillary sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, this petitioner along with one unknown accused person intercepted the informant, shot at him from his pistol and snatched cash Rs.20,000/- from his pocket.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics. It is further submitted that it was co-accused who fired upon the informant but allegation has been made against the petitioner due to previous animosity. No looted article has been recovered from his possession and not a single witness has supported the prosecution allegation during investigation. Charge sheet has already been submitted and the petitioner is in custody since 23.9.2020.

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

Considering the rival submissions of the parties,



materials available on the record and the fact that the petitioner is in custody for nearly a year and charge sheet has already been submitted in the case, let the petitioner, mentioned above, 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 Additional Chief Judicial Magistrate I, Muzaffarpur West in Saraiya Police Station Case No. 705/2019 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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