

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39007 of 2020**

Arising Out of PS. Case No.-61 Year-2019 Thana- CHAKIA District- East Champaran

GAYANCHAND SAHNI Son of Chulahai Sahni Resident of Village- Rahua
Maniyarpur, P.S.- Madhuban, District- East Champaran

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh,Advocate

For the Opposite Party/s : Mr.Dr.Kumar Uday Pratap,APP

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

4 20-07-2021 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. Dr. Kumar Uday Pratap, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Chakiya P.S. Case No. 61 of 2019 registered for the offences punishable under Section 395/397 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, the informant at about 12 A.M. heard shouting of his elder brother. When the informant opened the door, he saw that 20-25 persons were brutally assaulting his brother with katta, knife, lathi and fatta which resulted in



bleeding from the head of the brother of the informant. Thereafter, the informant tried to save his brother but they also assaulted him as a result whereof his left hand got fractured. Thereafter, informant's wife and his bhabhi came to save them but the accused persons threatened them on the point of gun. It is further alleged that the accused persons looted Rs. 5,00,000/- and jewellery worth Rs. 15,00,000/- on gunpoint from the house of the informant.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has transpired in the confessional statement of co-accused Rambalak Paswan. It is then submitted that co-accused Uma Paswan who has been identified in test identification parade has been granted bail in Cri. Misc. No. 75172 of 2019. It is further submitted that there is no recovery of any incriminating article from the possession of the petitioner. The petitioner is in custody since 29.03.2019 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the



petitioner that the name of the petitioner has transpired in this case in the confessional statement of co-accused Rambalak Paswan who has already been granted bail, again the co-accused namely Uma Paswan who has been identified in test identification parade has been granted bail in Cri. Misc. No. 75172 of 2019, this petitioner was not identified by any witness, there is no recovery of any incriminating material from the possession of the petitioner, he has otherwise no criminal antecedent and has remained in custody in connection with the present case since 29.03.2019, investigation against him is complete but according to learned counsel for the petitioner, the trial has yet not begun, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Chakiya P.S. Case No. 61 of 2019, 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)

SUSHMA 2/-

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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'.

