

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4922 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- TAJPUR District- Samastipur

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PAPPU SAHNI @ PAPPU SAHANI SON OF AWADHESH SHANI @
AVDHESH SAHANI RESIDENT OF VILLAGE - MIRJAPUR, POLICE
STATION - TAJPUR, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner seeks bail in Tajpur P.S. Case No.
175/2020 registered for the offences punishable under Sections
147/148/149/323/307/504/379/448/354 of the Indian Penal
Code. Subsequently, Section 302 of the IPC was added.

As per the prosecution case, on 31.05.2020, while the
informant was at her home, in the meantime, all the F.I.R.
named accused persons including this petitioner variously
armed started abusing the husband of the informant and on
protest, Sewak Sahni and Awadhesh Sahani assaulted the
husband of the informant by *lathi* and bricks and when the
informant along with her *Devar* and daughter-in-law went there



to rescue, all the accused persons including this petitioner assaulted them and snatched golden chain worth Rs. 30,000/-. It is further alleged that during the course of treatment, husband of the informant succumbed to the injuries.

It is submitted on behalf of the petitioner that, from perusal of the F.I.R., it is apparent that petitioner is not the assailant of the deceased. It is further submitted that general and omnibus allegation of assault has been levelled against this petitioner. Chargesheet has already been submitted in this case. Petitioner has got no criminal antecedent and he is in custody since 02.06.2020.

Considering that fact that petitioner is not the assailant of the deceased, coupled with the fact that petitioner bears clean antecedent, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Samastipur, in connection with Tajpur P.S. Case No. 175/2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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