

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8832 of 2021**

Arising Out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

AMARNATH SAHNI SON OF ASHESHWAR SAHNI RESIDENT OF
VILLAGE- DIH BUCHAULI, P.S.- JANADAH, DISTT.- VAISHALI.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nityanand, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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

4 12-08-2021 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. Bharat Lal, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Jandaha P.S. Case No. 310 of 2018 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 326, 384 of Indian Penal Code, 27 of the Arms Act, 3 of Explosive Act and Section 13,16, 19 & 20 of U.A.P. Act. He is in custody in connection with this case since 13.8.2019.

Learned counsel for the petitioner submits that as per the First Information Report, 9-10 miscreants who were hidden

their faces knocked the door of the house of the informant, dragged the informant's brother Rishikesh Jha out of his house and fired five bullets on his chest and head. The informant further alleged that the miscreants also aimed revolver on him and when the informant's uncle Uma Kant Jha ran to save Rishikesh Jha, the miscreants fired upon him, causing him injured, they hurled bomb over the informant's brother Bhushan and then they fled away towards the west of the village shouting slogan 'Rishikesh Murdabad, Maowadi Zindabad'.

Learned counsel submits that the petitioner is not named in the FIR and has been made accused on the basis of confessional statement of the co-accused Ritu Devi. It is submitted that Ritu Devi and several other co-accused have been granted bail by learned coordinate Benches of this Court in various Cr. Misc. applications which are stated in paragraph-8 of the application.

Learned counsel further submits that though the petitioner has got eleven criminal antecedent, considering the facts and circumstances and the custody of the petitioner he may be released on bail.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. Learned APP

submits that it is not only the confessional statement of the co-accused in which the name of the petitioner has transpired, the accusation against him is further supported from the statement of the informant in his re-statement in Paragraph-9 of the case diary. The injured witnesses Bhushan and Uma Kant Jha have identified this petitioner in the alleged act of terror and another witness who has identified this petitioner is Rita Devi in Paragraph-12 of the case diary. Learned APP submits that it is a case of a terror activity in which bombs have been hurled and the brother of the informant has been killed and the purpose of such act is to spread terror it is for this reason that the petitioner has been facing accusation not only under the provisions of the IPC and the Explosive Substances Act but also under Sections 13, 16, 19 and 20 of the Unlawful Activities Prevention Act. It is his submission that in the cases registered under the UAPA of this nature, that to when the petitioner has got eleven criminal antecedent, he does not deserve privilege of bail.

It is further submitted that though the co-accused have been granted bail by different learned coordinate Benches of this Court but it appears that the plea of there being prosecution under UAPA was not specifically taken before the learned coordinate Benches. Petitioner has been facing cases over two

decades and some of them are under Explosive Substances Act and UAPA.

Considering the facts and circumstances of the case, there being identification of the petitioner by the injured witnesses in the alleged act and the prosecution is under UAPA as also the petitioner has got criminal antecedent of eleven cases which are of serious nature, this Court is not inclined to release the petitioner on bail.

His prayer for bail is thus refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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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'.