

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71767 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

=====

DHARMENDRA SAHNI @ BABLU SAHNI S/o Fulchand Sahni Resident
of Vill- Shobhani, P.S.- Gangaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 3608 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

=====

FULCHAND SAHNI S/o Etbari Sahni Resident of Village- Shobhani, P.S.-
Gangaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71767 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

For the Informant : None

(In CRIMINAL MISCELLANEOUS No. 3608 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

For the Informant : None

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-05-2022

CRIMINAL MISCELLANEOUS No.71767 of 2021

Heard learned counsel for the petitioner, learned
A.P.P. for the State and no one appears on behalf of the
informant.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 365, 367, 120B and 302 of



the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 10.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that when his sons Ashok and Bablu were returning after seeing the *jalkar*, they were assaulted and kidnapped by Balvir, Dharmveer and 15 unknown accused, after search Bablu was recovered who disclosed that Sikandar Sahni's sons, his wife, granddaughter along with other named accused persons, including the petitioner, kidnapped and killed the deceased.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would manifest that it was Bablu who disclosed that the petitioner along with named accused persons had kidnapped his brother, who was killed subsequently. It is further submitted that the entire allegation hinges around suspicion, neither the informant nor Bablu are eye-witnesses to the murder. Learned counsel further submits that neither Bablu nor the informant or his family members made any endeavor before the superior



authorities for getting the statement of Bablu recorded, it seems that since the entire family members of Sikandar Sahni were implicated in the present case and Bablu was aware of the fact and as such no endeavour was made to get his statement recorded or else he would have disclosed the truth about the occurrence. It is further submitted that the co-accused Sanjay Sah has been granted bail vide order dated 21.04.2022 in Cr. Misc. No. 68531 of 2021 and other co-accused also have been granted bail.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to meet the submissions of the learned counsel for the petitioner with respect to non-recording of statement of Bablu and also that they are not the eye-witnesses to the occurrence and the allegation hinges around suspicion.

Considering the fact that the petitioner is in custody since 10.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, the allegation hinges around suspicion and the co-accused have been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



court below where the case is pending/successor court in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021.

CRIMINAL MISCELLANEOUS No. 3608 of 2022

Heard learned counsel for the petitioner, learned A.P.P. for the State and no one appears on behalf of the informant.

The petitioner seeks bail in a case registered for the offences punishable under Sections 365, 367, 120B and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 18.09.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that when his sons Ashok and Bablu were returning after seeing the *jalkar*, they were assaulted and kidnapped by Balvir, Dharmveer and 15 unknown accused, after search Bablu was recovered who disclosed that Sikandar Sahni's sons, his wife, granddaughter along with other named accused persons, including the petitioner, kidnapped and killed the deceased.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegation as alleged in the F.I.R. it would



manifest that it was Bablu who disclosed that the petitioner along with named accused persons had kidnapped his brother, who was killed subsequently. It is further submitted that the entire allegation hinges around suspicion, neither the informant nor Bablu are eye-witnesses to the murder. Learned counsel further submits that neither Bablu nor the informant or his family members made any endeavor before the superior authorities for getting the statement of Bablu recorded, it seems that since the entire family members of Sikandar Sahni were implicated in the present case and Bablu was aware of the fact and as such no endeavour was made to get his statement recorded or else he would have disclosed the truth about the occurrence. It is further submitted that the co-accused Sanjay Sah has been granted bail vide order dated 21.04.2022 in Cr. Misc. No. 68531 of 2021, Dharmendra Sahni has been granted bail vide order dated 11.05.2022 in Cr. Misc. No. 71767 of 2021 and other co-accused also have been granted bail.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner but is not able to meet the submissions of the learned counsel for the petitioner with respect to non-recording of statement of Bablu and also that they are not the eye-witnesses to the occurrence and the allegation hinges



around suspicion.

Considering the fact that the petitioner is in custody since 18.09.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, the allegation hinges around suspicion and the co-accused have been granted bail, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

