

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24076 of 2021

Arising Out of PS. Case No.-548 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

RAJENDRA SAHANI Son of Lakshman Sahani Resident of Village -
Chintamanpur Tikulia, P.S.- Pipra, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 03-01-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 31.10.2020 seeks
regular bail in connection with Motihari Mufassil P.S. Case No.
548 of 2019 registered for offences punishable under Sections
395, 397 and 307 of the Indian Penal Code and Section 27 of the
Arms Act.

Prosecution story in brief is that informant is
employee of C.B.I. Branch Krishna Nagar (Madhuban). Six
miscreants, on bike, followed him and fired at him due to which
he fell down and also used force to snatch his bag.

Learned counsel appearing on behalf of the petitioner
submits that FIR is lodged against unknown persons and
petitioner's name has surfaced on the confessional statement of



co-accused while he was being interrogated in police custody. He further submits that nothing was recovered from the conscious possession of the petitioner and he was not even arrested from the place of occurrence and is in custody since 31.10.2020. He submits that petitioner undertakes that he will not temper with the evidence if he is released on bail. He further submits that petitioner is very young, aged about 24 years and if he remains in custody for any further time he will fall in company of bad element and as such taking into consideration his tender age and also that another co-accused, namely, Sikindra Sahni has been released on bail vide order dated 04.10.2021 passed in Cr. Misc. 27456 of 2021 whose name has also surfaced on the confessional statement of the co-accused before the police in police custody.

Learned A.P.P. appearing on behalf of the State submits that petitioner is involved in several other criminal cases and such involvement is not in an ordinary circumstance and cannot be lightly ignored. It has further been submitted that it is not a usual feature to find people getting involved or being charged for criminal offences in such large number. When an accused with such kind of chequered criminal history is let loose, he finds unrestricted opportunities to wield his coercive



powers and tamper with the evidence. The prospect of a fair trial naturally may get prejudicially affected and the possibility of prosecution evidence remaining intact comes under high peril.

Learned A.P.P on behalf of the State further submits that the chequered history or the criminal antecedents of accused are sufficient to indicate that the accused is a habitual offender and in case he is released on bail under the coercive influence of his criminality it will be difficult for the witnesses to depose independently without fear.

Considering the above mentioned facts and rival submission of the parties, the Superintendent of Police, Motihari, East Champaran is directed to submit report relating to antecedent of the petitioner to the trial Court. If the learned Court below finds that there are no other criminal cases pending against the petitioner as what has been stated in the paragraph No. 3, the petitioner above named is directed to be released on bail on furnishing bond of rupees 1,50,000/- along with two sureties of the like amount each to the satisfaction of the learned C.J.M. Motihari, East Champaran in connection with Mufassil P.S. Case No. 548 of 2019 subject to the further following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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