

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18985 of 2022**

Arising Out of PS. Case No.-137 Year-2012 Thana- MAHUA District- Vaishali

Tuk Tuk Sahni @ Shiv Kumar Sahni S/O Rasmus Sahni @ Rashamat Sahni
R/o village- Fatehpur Mobarak, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 04-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 120B, 307, 323, 324, 333, 337, 338, 353, 380, 427, 435, 436, 452 and 511 of the Indian Penal Code.

As per prosecution case, in brief, is that on 11.03.2012 at about 10:15 P.M. a tractor met with an accident at Mahua Bazar wherein a child died at the spot and two other people were injured out of which one succumbed to injuries and died in course of treatment. As a result, the local people started



protesting by keeping the dead bodies on the road and demanded compensation for the families. It is further alleged that thereafter some anti social elements started throwing bricks at the police and set ablaze properties of the police station and further exploded bombs to destabilize the police station. It is further alleged that the accused persons vandalized government documents, vehicles and other articles. The police identified 57 out of 400-500 unknown persons were alleged to have participated in the assault as per a videotape.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that in fact the petitioner is not named in the F.I.R. and the police has arrested the petitioner only on the basis of suspicion. He further submits that co-accused person namely Ganesh Paswan has been granted bail vide order dated 28.06.2012 in Cr. Misc. No. 20912 of 2012 and another co-accused namely Ram Kumar has been granted bail vide order dated 23.07.2012 in Cr. Misc. No. 26930 of 2012 respectively and the petitioner is in custody since 30.01.2022.

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

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Mahua P.S. Case No. 137 of 2012, with the 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 and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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