

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32582 of 2021**

Arising Out of PS. Case No.-682 Year-2018 Thana- KANTI District- Muzaffarpur

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UMESH SAHNI @ MUSHA SETH Son of Late Tapeswar Sahni Resident of
Village - Tilbihata, P.S. - Saraiya (O.P. Jaintpur), District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udit Narain Singh, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-03-2022 Heard Mr. Udit Narain Singh, learned counsel for

the petitioner and Mr. Ashok Kumar Singh, learned

Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Kanti P.S. Case No. 682/2018 registered for the offences
punishable under Sections 395, 397 of the Indian Penal
Code 1860 and Sections 3/4 of the Explosive Substance
Act.

The prosecution story as per the First Information
Report is that about 25-30 persons armed with *lathi*,
danda, bomb etc. entered into the house of the informant
and committed dacoity and took away ornaments, cash etc.
worth about Rs.4,68,000/-. It has further been alleged that



while the accused persons fleeing away, they hurled bomb, due to which, neighbour of the informant and others sustained splinter injuries.

Learned counsel for the petitioner submits that the petitioner has been implicated in this case on the basis of confessional statement of co-accused Ramayan Kumar Mahto. He further submits that no incriminating material and/or looted article has been recovered from possession of the petitioner and in the confessional statement of co-accused no material has come against him. He next submits that other similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 69086 of 2019, 51815 of 2019, 10704 of 2019 and 5638 of 2019 respectively. The petitioner is in custody since 7.1.2019, and the custody of the petitioner since 21.3.2020 is mentioned in the impugned order is not the correct fact.

On the other hand, Mr. Ashok Kumar Singh, learned counsel for the State submits that except the confessional statement of co-accused, no other material has come against the petitioner and he has not been put on Test Identification Parade. Learned counsel referring to



paragraph-57 of the case diary submits that the petitioner has been remanded in judicial custody in this case on 7.1.2019.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has been made accused on the basis of confessional statement only, he is in custody since 7.1.2019, charge sheet has already been submitted and other co-accused persons have been granted bail by co-ordinate Benches of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Mahendra Mishra, learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Kanti P.S. Case No. 682 of 2018 subject to the following conditions:-

(i) that 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below

(ii) that if the petitioner tampers with the evidene or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Anil Kumar Sinha, J)

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