

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32664 of 2021

Arising Out of PS. Case No.-342 Year-2019 Thana- SARAI District- Vaishali

=====

PRAKASH SAHNI @ OM PRAKASH SAHNI S/O Ramdeo Sahni R/O
Village - Bhojpatti, P.S.- Sarai, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 02-03-2022 Heard Mr. learned counsel for the petitioner and

learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Sarai
P.S. Case No. 342 of 2019 registered for the offence punishable
under Sections 341, 342, 323, 324, 307, 379 and 504/34 of the
Indian Penal Code 1860.

As per the First Information Report, on 21.9.2019,
when the informant's brother was returning back to home from
Patna and when he did not arrive till late in the evening at his
home, the informant started searching for him and on the next
day at about 6:00 AM he came to know that his brother was
lying in unconscious condition in a bush situated at village
Bhojpatti, near Sarai Police Station. The victim was taken to the
hospital from where he was referred to the PMCH having injury
in his head. The informant has alleged that upon inquiry from



the people of Bhojpatti village it was revealed that the petitioner along with six FIR named accused persons were seen assaulting the brother of the informant.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and from perusal of the First Information Report, it would be evident that date of occurrence is 21.9.2019, written report was submitted by the informant before the Police on 22.9.2019 and the FIR was registered on 25.9.2019. He further submits that the statement of victim boy was recorded by the Police in Paragraph-45 of the case diary in which he has disclosed the date of occurrence as on 19.9.2019. He also submits that there is apparent contradiction in the statement of the informant made in the First Information Report and the statement of the victim boy recorded during course of investigation regarding date of occurrence. The petitioner has got no criminal antecedent and he has been made accused in this case on the basis of hear-say evidence. He next submits that similarly situated co-accused persons namely, Pintu Sahni @ Pintu Kumar and Sanjit Paswan have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 75576 of 2019 and 32280 of 2020 respectively. The petitioner is in custody since 11.2.2021.



Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, there is apparent contradiction in the statement of victim boy and the statement made by the informant in the First Information Report regarding the date of occurrence, the petitioner is in custody since 11.2.2021 and similarly situated 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 learned A.C.J.M.-16, Vaishali at Hajipur, in connection with Sarai P.S. Case No. 342 of 2019.

(Anil Kumar Sinha, J)

S.Ali/-

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

