

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25433 of 2022

Arising Out of PS. Case No.-10 Year-2011 Thana- PANAPUR District- Saran

ROHIT SAHNI @ ROHIT JI @ BADAL JI @ BABLOO JI @ BABLU
SAHNI @ GAUTAMJI @ GAUTAM KUMAR Son of Late Musafir Sahni
Resident of Village - Thathan Bujurg, P.s.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Panapur P.S. Case No. 10 of 2011 for the offences under
Sections 307, 353, 511/34 and 120B of the Indian Penal Code
and Section 3/4 of the Explosive Substance Act and Under
Section 17 of the C.L.A. Act.

As per the allegation in the FIR, the SHO of Panapur
Police Station got a secret information that a group of Naxalites
were seen at Gandak Dam near Basahiya village/ Gandak Dam
reached the place of occurrence and was informed that land
mines have been placed there. Upon seeing the police party,



accused persons escaped after crossing the river whereafter it is alleged that some articles were recovered from the place of occurrence.

Learned counsel for the petitioner submits that only on suspicion, his name has been arrayed in the present FIR and which has resulted into his custody.

By way of supplementary affidavit, learned counsel for the petitioner submits that the petitioner is actually in custody since 16.02.2017 but has been remanded in this case on 05.08.2021. He as such submits that it is not the case that he was absconding for a decade. He lastly submits that similarly situated co-accused persons have been granted the privilege of bail by a co-ordinate Bench of this Court vide Order dated 03.04.2012 and 15.12.2015 passed in Cr. Misc. No. 12175 of 2012 and Cr. Misc. No. 16996 of 2014 respectively. The last submission is that he has not been put on T.I. Parade.

Taking into account the fact that the petitioner is in custody since 05.08.2021, charge sheet stands submitted, he has not been put on T.I. Parade and some of the similarly situated co-accused persons have since been granted the privilege of bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of 4th A.C.J.M., Saranat Chapra in connection with Panapur P.S. Case No. 10 of 2011, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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