

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37444 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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GOLU SAHNI @ VIJAY SAHNI, Son of Ram Pratap Sahni @ Ram Prasad Sahni, Resident of Mohalla - Sahni Tole, P.S. - L.N.M.U. District - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 18-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with L.N.M.U. (University) P.S. Case No. 136 of 2020 (T.R. No. 798 of 2021) registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506, 379 and 34 of the Indian Penal Code. The petitioner is in custody since 29.06.2020. He is said to have three criminal antecedents but he is on bail in all the cases.



Learned counsel for the petitioner submits that so far as this petitioner is concerned, the allegation against him is that he along with co-accused Golu Mahto and Chhotu Mahto had been demanding a sum of Rs. 1,00,000/- from the informant. This petitioner is said to have assaulted the informant on his thigh and back side of the body which are non vital part and the co-accused Golu Mahto and Chhotu Mahto against whom only there are specific allegations of snatching away Rs. 35,000/-, mobile phone and golden chain from the informant have been granted bail by the learned court below which fact is recorded in the order impugned in this application.

Learned counsel for the petitioner further submits that the principles of parity so far as the allegation against the petitioner is concerned would fully apply particularly when the co-accused who had allegedly snatched away money and golden chain of the informant have been granted bail. So far as the three criminal antecedents are concerned, learned counsel submits that the petitioner cannot be said to be a habitual offender for the reason that three cases have been lodged against him on interval of several years and this case has come up after about three years of the last case registered against the petitioner, however, it is his submission that the petitioner has



been falsely implicated in this case.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Earlier time was granted to learned A.P.P. for the State to produce the case diary, however, learned A.P.P. submits that in the present day's circumstance, he could not obtain the case diary. It is, however, not denied that the petitioner has remained in custody for over one and half year in connection with this case.

Considering the materials placed before this Court particularly that the two co-accused have been granted bail by the learned court below itself and in this case the petitioner has remained in custody for over one and half year and further that in the three cases registered against him he is on bail in all the cases, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga in connection with L.N.M.U. (University) P.S. Case No. 136 of 2020 (T.R. No. 798 of 2021), subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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 antecedent, 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

