

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30879 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- PURAINI District- Madhepura

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JAYJAY RAM SAHNI @ JAYJAY SAHNI Son of Late Paro Sahni @ Parmeshwari Sahni Resident of Village - Puraini Bazar, Ward No.- 9, P.S.- Puraini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 394 of the Indian Penal Code and Section 27 of the Arms Act.

The case relates to commission of loot of bag of the informant and on protest one of the miscreants fired upon the informant which hit him on his leg.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further



submits that the petitioner was not arrested from the place of occurrence nor anything incriminating has been recovered from the conscious possession of the petitioner. He further submits that the alleged motorcycle, which was said to be used in commission of the offence, has been recovered from the other co-accused, namely, Meghu Paswan. The petitioner has not been put on T.I.P. by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (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 Puraini P.S. Case No. 129 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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