

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40312 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Ram Ashish Sahni Son of Late Sone Lal Sahni Resident of Village - Deopura,
P.S. Naokothi, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate.
For the Informant	:	Mr. Amrendar Kumar, Advocate.
For the Opposite Party/s	:	Mr. Zainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 29-06-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Sandip Kumar Gautam, learned counsel for
the petitioner, Mr. Amrendar Kumar, learned counsel for the
informant and Mr. Zainul Abedin, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Naokothi P. S. Case No. 21 of 2021
registered for the offences punishable under Sections 302,
120(B) read with 34 of the Indian Penal Code and Section 27 of
the Arms Act.



As per the prosecution case, it is alleged that on 16.02.2021 while the informant along with his father and his brother were sitting at Kirana shop, situated at Deopura Chauk, all of a sudden, six F.I.R. named accused persons on two motorcycles arrived there and made indiscriminate firing due to which his father suffered multiple injuries and died. It is also alleged that the petitioner and four other F.I.R. named accused persons are conspirator of this crime.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R., it is evident that six F.I.R. named accused persons have surrounded the informant, his father and his brother and thereafter co-accused Sanjeev Singh has fired upon the father of the informant and further one Sawet Kumar @ Mahanta and Amit Kumar also fired upon the father of the informant due to which he died. It is submitted that the specific allegation has been levelled against the aforesaid three persons and so far this petitioner is concerned, he has, later on, said to be conspirator along with other four co-accused persons. It is next submitted that during the course of investigation, no cogent material has come which suggests the complicity of this petitioner in the present crime, except the criminal antecedent of the petitioner that he has been



found involved in seven other criminal cases. Out of which in one case the petitioner has been acquitted, so far the rest of the cases are concerned the petitioner is on bail.

It is lastly submitted that the petitioner is in judicial custody since 19.02.2021 and he has given undertaking that he will fully co-operate in the trial and he will not indulge in tampering of the evidences or intimidating the witnesses.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the petitioner is, in fact, terror of the locality due to which no-one has dare to make deposition against this petitioner. It is also submitted that the role of the petitioner has come as a liner in facilitation of commission of the crime.

Learned APP for the State also opposes the bail application and supports the statement made by the learned counsel for the informant.

Having considered the submissions made on behalf of the parties and taking into account the fact that except the suspicion that the petitioner and four others are conspirator, who have made plan to kill the father of the informant, there is no other cogent material, which suggests the complicity of the petitioner and moreover, this petitioner is in custody since



19.02.2021 and also taking into consideration the undertaking given by the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Naokothi P. S. Case No. 21 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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