

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40692 of 2021**

Arising Out of PS. Case No.-101 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

Bablu Sahni @ Rohit Ji @ Rohit Sahni S/O Late Mushafir Sahni R/O Village-
Thathan Buzurg, Police Station-Sadar Hajipur, District-Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Hajipur Sadar
P.S. Case No. 101 of 2013 registered for the offences punishable
under Section 427 of the Indian Penal Code, under section 3/4
of the Explosive Substance Act and 17 of the C.L.A. Act and
under sections 150, 151, 153 of the Railway Track Act.

According to prosecution case the informant is care
taker of the Railway Trak and on 6.4.2013 at about 06:10 A.M.
he found the Rail Track and some signal brokern.



Learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused namely, Mantun Paswan. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Mantun Paswan has been granted bail by a co-ordinate Bench of this court vide order dated 03.11.2015 passed in Cr. Misc. No. 18077 of 2015. The petitioner is in custody since 11.01.2021.

The learned Additional Public Prosecutor opposed the prayer of bail, submitting that petitioner carries three criminal antecedents.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 101 of 2013, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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