

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42809 of 2021**

Arising Out of PS. Case No.-376 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

RAHUL SAHNI @ RAHUL KUMAR S/O RAMCHANDRA SAHNI R/o
village- Deogan, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER**

3 16-05-2022 The applicant/accused in Crime No. 376 of 2019 registered with Bochahan Police Station for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial. Earlier bail application of the applicant was disposed of vide order dated 04.01.2021 by granting him liberty to renew the prayer for bail, if there is no substantive progress in the trial. This order was passed by the co-ordinate Bench of this Court.

The learned counsel for the applicant argued that after passage of more than one year's time, even the recording of evidence in the case has not been started by the learned trial



court. He further argued that name of the applicant is not there in the FIR and according to the charge sheet, he is implicated in the crime in question on the basis of confessional statement of one Taukir.

The learned Additional Public Prosecutor opposed the application.

The FIR was lodged by Jagdish Sah on 11.11.2019 alleging that his son Vijay Sah was called by some unknown person in connection with “Nal Jal Yojna”. Accordingly, his son Vijay Sah left the house. After sometime, it was informed that Vijay Sah has been murdered by firing bullet. First informant Jagdish Sah further alleged that he found dead body of his son Vijay Sah at the morgue. He suspected that his partner Sri Niwas or Bachha Babu might have killed his son.

So far as present applicant is concerned, co-accused Taukir made confession to the police and named the present applicant as one of his associate. On the basis of this material, the applicant is undergoing pre-trial detention. Admissibility of the confessional statement is highly doubtful as there is no recovery. There is no progress in the trial, as reported by the learned counsel for the applicant. Therefore the order:-

- i. The application is allowed.



ii. The applicant/accused in Crime No. 376 of 2019 registered with Bochahan Police Station for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code as well as Section 27 of the Arms Act, be released on bail on executing P.R. bond of Rs. 20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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