

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51778 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

Sikandar Sahni Son of Brahamdeo Sahni Resident of Village - Ram Tola,
Kothiya, P.S.- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Prasad Singh, Advocate
For the Informant	:	Mr.Ram Nibash Prasad, Advocate
For the Opposite Party/s	:	Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-03-2022 Heard learned counsel for the petitioner, Shri Ram Nibash Prasad, learned counsel for the informant and Shri Rabindra Kumar, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021 instituted for the offences under Sections 365, 367, 120(B) and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 03.07.2021, charge-sheet has been submitted in the case and has antecedent of ten cases out of which in five cases, the petitioner has been acquitted.

Learned counsel for the petitioner submits that the



informant alleges that on 30.05.2021, while the sons of the informant were returning home on motorcycle, then Balbir Sahni and Dharmbir Sahni, son of Sikandar Sahni (petitioner) along with fifteen unknown accused started assaulting the sons of the informant and abducted them, further the informant on coming to know about the occurrence started searching his sons and found Babloo Sahni (victim) but was not able to trace Munna Sahni (deceased). It is further alleged that Babloo Sahni informed that named family members of the petitioner abducted Munna and has committed his murder.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner is not alleged to have committed any occurrence rather the allegation is that the family members of the petitioner committed the offence. Learned counsel further submits that when this occurrence had taken place the petitioner was in custody in a different case and as such on the date of occurrence the petitioner could not have participated in any manner in the occurrence. Learned counsel submits that since petitioner has criminal antecedent as such he came to be falsely implicated in the present case.

Learned counsel for the informant vehemently



opposes the bail application and submits that in the case diary it has come that one of the accused Ajay Sah who was in custody has disclosed that this petitioner used to tell him that the informant side are trying to grab his *jalkar* and as such they require to be taken care of.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and admittedly he was not present when the occurrence took place and taking into consideration the submissions of the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

