

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52751 of 2021

Arising Out of PS. Case No.-353 Year-2014 Thana- SAHEBGANJ District- Muzaffarpur

HARIHAR SAHANI, S/o LATE HAWALDAR SAHANI R/o MARWA
BASAHA, P.S-PANAPUR, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sahebganj P.S. Case No. 353 of 2014 registered for the offence under Sections 147, 148, 149, 323, 341, 342, 435, 427, 506 of the IPC and Section 27 of the Arms Act and Sections 10, 13, 16(B) of the UAP Act.

As per allegation in the FIR, S.H.O. Niraj Kumar Yadav has alleged that the plant of S.P. Singla Construction Pvt. Company was set on fire by the Maoist and he registered the FIR.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that allegation against 28 named and 20-25 against unknown. It appears from the FIR that petitioner was not arrested on the spot and nothing incriminating has been recovered from his conscious possession. He further submits that till date no T.I.P. has been conducted by the prosecution. He further submits that the petitioner is in custody in Panapur P.S. Case No. 94 of 2016 since 2.8.2016 and the police remanded the petitioner in present case on 23.03.2021. He further submits that similarly situated co-accused namely Surendra Sahni and Anil Sahni@ Anil Sahani have been granted privilege of regular bail vide order dated 17.12.2015 and 23.03.2022 passed in Cr. Misc. No. 55763 of 2015 and Cr. Misc. No. 47904 of 2021 respectively.

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

Considering the facts and circumstances of the case, let 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 Sessions Judge-



cum-Special Judge, Muzaffarpur in connection with Sahebganj
P.S. Case No. 353 of 2014 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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