

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49920 of 2022**

Arising Out of PS. Case No.-237 Year-2020 Thana- MINAPUR District- Muzaffarpur

LAL BABU SAHNI @ BHASKAR @ NIRBHAY JI @ PRALAY @ AJAY
@ ANIL Son of Late Mahesh Sahni Resident of Village - Aura Malkana,
Police Station- Tariyani, District - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 14-12-2022 Let the defect(s), as pointed out by the office be removed within a period of four weeks from today and a hard copy of the original main petition be filed within the aforesaid period.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Minapur P.S. Case No. 237 of 2020 registered for the offence punishable under Sections 399,386,411,120(B)/34 of the I.P.C. & Sections 25(1-B)a,26, 35 of the Arms Act and Sections 17,18,19 and 20 of the Unlawful Activities Prevention Act.

As per the prosecution case, on secret information about assemblage of some members of Maoist for extorting



levy, police reached there. After seeing the police party, some criminals started fleeing away but three of them were apprehended and rest managed to escape. The allegation against the petitioner is that he is an active member of some Naxal Organization who remain indulged in giving direction for extortion of levy.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused. He submits that no incriminating article has been recovered from the possession of the petitioner. Petitioner has no manner of concern with any naxal organization. He submits that there is general and omnibus allegation levelled against the petitioner. He is languishing in judicial custody since 17.03.2019 in connection with another case and remanded in the present case on 19.02.2022. It is further submitted that out of 4 cases against the petitioner, he has been acquitted in two cases and is on bail in other two cases and he was not named accused in FIR. It is further submitted that co-accused Sanjeev Kumar @ Sanjiv Kumar and Pramod Kumar have been granted bail by the Coordinate Bench of this Court vide order dated 24.05.2021 and 14.06.2021 passed in Cr. Misc. Nos. 40001 of 2020 and Cr.



Misc. No. 10793 of 2021 respectively.

Learned APP appearing for State opposed the bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge – cum- Special Judge, Muzaffarpur in connection with Minapur P.S. Case No. 237 of 2020, subject to the conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(v) Petitioner undertakes to appear before the concerned police station in every third week of month for two years.

(Sunil Dutta Mishra, J)

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