

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72242 of 2021**

Arising Out of PS. Case No.-336 Year-2007 Thana- AHYAPUR District- Muzaffarpur

Upendra Sahni Son of Rameshwar Sahni Resident of Village - Kothiya, P.s.-
Mushahari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 23-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 336 of 2007 registered for the offence under
Sections 302, 120B and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 05.09.2021.

The allegation against the petitioner is to commit the
murder of the driver of a bus bearing Registration no. BR 1P
4525 of BSRTC, alongwith other co-accused persons/staff,
while engaged as helper of Prakash Bus bearing Registration no.
BR 06E 6755.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the F.I.R. and his name surfaced during the course of investigation for the simple reason that he was engaged as a helper at relevant point of time when present occurrence took place. It is submitted that there is no specific allegation against the petitioner, who has been arrested in this case after 14 years. It is pointed out that similarly situated co-accused person, namely, Ramesh Pandit has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 11170 of 2010 dated 24.05.2010. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as save and except being a helper of the offending vehicle, nothing incriminating surfaced during the course of investigation against this petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already



been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ahiyapur P.S. Case No. 336 of 2007 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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