

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10682 of 2023

Arising Out of PS. Case No.-471 Year-2022 Thana- PAROO District- Muzaffarpur

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SANJAY SAHNI @ SANJAY SAHANI S/O TILSHWAR SAHANI
Resident of Village- Basantpur, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 26-07-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 02.11.2022 in connection with Paroo P.S. Case No. 471/2022, F.I.R. dated 03.10.2022, for the offences punishable under Sections 341, 323, 147, 148, 149, 302, 304, 420(B), 504, 506 of the IPC & Sections 25(1-b)a, 26 and 27 of the Arms Act.
3. According to prosecution case, the allegation against the accused persons including the petitioner is that they committed murder of one Bhutkun Sahni due to suspicion that he committed murder of his associate, namely, Pankaj Sahni.
4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of suspicion. He further submits that from bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and



omnibus allegation against all the accused persons including the petitioner and it has come during investigation that the location of C.D.R. shows that the petitioner was present at the place of occurrence and the informant is not an eyewitness of the present occurrence. He further submits that as per F.I.R., there is specific allegation against co-accused, namely, Bhutkun Bhagat and similarly situated other co-accused persons namely, Ram Karan Sahani and Chotelal Sahni @ Chhotelal Sahani have been granted bail by co-ordinate Bench of this Court vide order dated 19.07.2023 and 27.06.2023 passed in Cr. Misc. No. 13470/2023 & Cr. Misc. No. 14439/2023 respectively and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 the learned J.M. 1st Class, (West) Muzaffarpur in connection with Paroo P.S. Case No.471/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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