

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5886 of 2023

Arising Out of PS. Case No.-146 Year-2020 Thana- BALIGAON District- Vaishali

RAHUL SAHNI Son of Suresh Sahni R/V- Nirpur Kushahi, P.S- Patepur,
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 564 of 2022 arising out of Baligaon P. S. Case No. 146 of 2020 dated 23.12.2020 registered for the offences punishable under Sections 399, 402, 414 read with Section 34 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, some miscreants were assembled for making preparation to commit crime. On seeing the



police, miscreants began to flee away leaving behind their motorcycles but on chase three miscreants were apprehended and two miscreants succeeded in fleeing away. On being asked, the apprehended persons disclosed their names as Karamveer Kumar, Mithun Kumar and Suraj Kumar. They also disclosed the names of the two miscreants who managed to flee away from the place of occurrence as Nivas Rai and Rahul Sahani (the petitioner). On search, fire-arms and ammunitions were recovered from the possession of the apprehended miscreants.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. The name of the petitioner has transpired on the basis of the disclosure made by the co-accused persons. The petitioner was neither present at the place of occurrence nor he has any concerned with the apprehended persons. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the co-accused person has already been granted bail by Co-ordinate Bench of this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 44636 of 2021. The petitioner is accused in nine other criminal cases as stated in para 3 of the bail petition. The petitioner is in



custody since 08.02.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged 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 learned Court concerned, Vaishali at Hajipur in connection with Sessions Trial No. 564 of 2022 arising out of Baligaon P. S. Case No. 146 of 2020 with the condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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