

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19627 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- NAGAR District- Vaishali

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BHAJAN SAHNI @ RAM ISHWAR SAHNI S/O RAM SWARUP SAHNI
R/v- Ishmailpur (Harauli Ward No- 2), P.S.- Hajpur Sadar, District- Vaishali
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
27.09.2022 in connection with Hajipur Town P.S. Case No.
29/2022, dated 10.01.2022, for the offences punishable under
Sections 399, 402 of the IPC & Section 25(1-b)a, 26 and 35 of the
Arms Act.

3. According to prosecution case, on secret information
that some miscreants assembled near old Gandak river bridge, the
informant, being the police Sub Inspector, went there and
apprehended three accused persons and recovered two country
made pistol with two live cartridges and one knife from their
possession. The apprehended accused persons also disclosed other
three co-accused persons, who fled away, after seeing the police
personnel.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner and the petitioner was not apprehended at the spot and on the basis of disclosure made by co-accused, the name of the petitioner has been transpired in the present case. He further submits that except the disclosure of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Biltan Sahni, who has disclosed the name of the petitioner and apprehended at the spot has been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2022 passed in Cr. Misc. No.31478/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 C.J.M., Vaishali at Hajipur in connection with Hajipur P.S. Case No. 29/2022, 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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