

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15013 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

1. Shambhu Sahni Son of Late Punit Sahni R/o Village- Narwara, P.S.- Tariyani, District- Sheohar.
2. Jitendra Sahni @ Jagga Son of Shambhu Sahni R/o Village- Narwara, P.S.- Tariyani, District- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 09.11.2022 in connection with Tariyani P.S. Case No. 183 of 2022, F.I.R. dated 01.06.2022 for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302 I.P.C. was added.

According to prosecution case, as per written report of the informant is that on 31.05.2022, there was marriage of daughter of Shambhu Sahni and she was also present there with her daughter Rina Devi. At 11:00 P.M. accused persons including applicants started firing from country made pistol and



despite repeated requests by the people present there, in which his daughter Rina and one Nirmala Devi received injuries. Rina Devi received shots in her nose and her condition was very serious.

Learned counsel for the petitioners submits that petitioner no.1, namely, Shambhu Sahni carries one criminal antecedent, in which petitioner has been acquitted from the charges and petitioner no.2, namely, Jitendra Sahni @ Jagga carries five criminal antecedents other than the present one. He further submits that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioners have not committed any offence as alleged in the F.I.R. He further submits that the trial has begun and the informant namely, Raj Kumari deposed before the learned trial court in Sessions Trial No.12 of 2023, in which she has categorically stated that she has not seen anybody resorting to firing. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 09.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on



the ground that petitioner no.1, namely, Shambhu Sahni carries one criminal antecedent, in which petitioner has been acquitted from the charges and petitioner no.2, namely, Jitendra Sahni @ Jagga carries five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and the informant has not identified the petitioners during trial, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sheohar in connection with Tariyani P.S. Case No. 183 of 2022, corresponding to G.R. No. 2079 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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