

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14585 of 2023

Arising Out of PS. Case No.-569 Year-2021 Thana- RUPASPUR District- Patna

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SAGAR SAHNI @ SAGAR KUMAR S/O KAPIL SAHNI Resident of
Village- Tariyani, P.S.- Atkoni, District- Shivhar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Tiwary, Adv.
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP
For the Informant	:	Mr. Manoranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Session
Trial No. 944 of 2022 arising out of Rupaspur P.S. Case No. 569 of
2021 dated 06.11.2021 registered for the offence under Sections
302/34 of the Indian Penal Code.

The petitioner along with others alleged to have
assaulted the brother of the informant as a result of which he
died during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and
the petitioner has not committed any offence. He further submits



that there is no eye witness to the alleged occurrence even the informant has not seen the occurrence. He further submits that it apperas from the F.I.R. that there is general and omnibus allegation leveled against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that it has come during course of investigation that the petitioner has confessed his guilt before the police which has no evidentiary value. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 11.03.2022.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that there is sufficient material surfaced during course of investigation against the petitioner which suggest that the petitioner has assaulted the brother of the informant.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-V, Danapur in connection with Rupaspur P.S. Case No. 569 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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