

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29516 of 2023

Arising Out of PS. Case No.-79 Year-2021 Thana- PATEPUR District- Vaishali

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SANOJ SAHNI @ SANOJ KUMAR SAHNI s/o FULO SAHANI
RESIDENT OF VILLAGE PYORPUR ALIAS PYAREPUR P.S.
BALIGAON DISTRICT VAISHALI

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi

For the Opposite Party/s : Mr.Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Patepur P.S. Case No. 79 of 2021 registered for the offences
punishable under Sections 399 and 402 of the IPC and Sections
25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, one loaded country made
pistol and one live cartridge was recovered from possession of
co-accused Chandan Paswan @ Vikki Raj. It is further alleged
that one country made pistol was recovered from possession of
co-accused Ramesh Sahni. It is further alleged that one loaded
country made pistol and one live cartridge was also recovered
from the possession of Rakesh Paswan. Apprehended co-



accused disclosed the name of petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that present petitioner surrendered on 29.04.2022 and after that he has been remanded in thirteen cases one after another in a routine manner. He further submits that prior to that petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused Rakesh Paswan , Ramesh Sahani and Chandan Paswan who were apprehended on spot and from whom recovery were made have already been granted bail vide Cr. Misc. No. 41083 of 2021, Cr. Misc. No. 41171 of 2021, Cr. Misc. No. 4102 of 2021 respectively by a co-ordinate Bench of this Court and the case of present petitioner stands on better footing keeping in view that petitioner was not apprehended on spot and nothing has been recovered from his possession.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the



case, period of custody, co-accused have already been granted bail by a co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Vaishali at Hajipur in connection with Patepur P.S. Case No. 79 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time



of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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