

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30593 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- SUGAULI District- East Champaran

NANDU SAHNI DEWAN SAHNI R/O VILLAGE- GORIGAWN, P.S.-
SUGAULI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 28.02.2023 in connection with Sugauli P.S. Case No.77/2023, dated 20.02.2023, for the offences punishable under Sections 341, 323, 324, 307, 354, 504 & 34 of the IPC.

3. According to prosecution case, on the order of the petitioner, all the accused persons have pulled saree and petticoat of the wife of the informant and co-accused, namely, Sonu Sahani assaulted the wife of informant namely, Savita Devi by means of *Garassa* caused head injury. Thereafter the petitioner and other co-accused persons also opened fire with dire consequences.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that the F.I.R. is in two parts. In first part, there is general and omnibus



allegation against all the accused persons including the petitioner and in second part, there is specific allegation against co-accused, namely, Sonu Sahani, Akash Kumar and Nitish Kumar, who assaulted the informant. He further submits that the petitioner has also fired upon the victim and villagers but it appears from the F.I.R. itself that no case under the Arms Act is filed against the petitioner and other co-accused persons and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.02.2023.

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 four 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., Motihari, East Champaran in connection with Sugauli P.S. Case No. 77/2023, 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)

amit/-

U		T	
---	--	---	--

