

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30963 of 2023

Arising Out of PS. Case No.-195 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Saheb Sahni Son of Late Madan Sahani R/O Village- Nawalpur Kalyan, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 195 of 2020) registered for the offence
under Sections 365, 364, 302, 201/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2021.

The allegation against the petitioner is to kidnap the
son of informant alongwith other named co-accused persons,
where allegation raised that kidnapping was committed in order
to commit murder.

Learned counsel appearing on behalf of the petitioner



submitted that the informant is the eye-witness of the occurrence, where implication is based upon suspicion. It is submitted that alleged occurrence took place on 18.10.2019, whereas FIR was lodged on 22.04.2020 only, almost after six months without having any just explanation. It is submitted that no incriminating materials recovered/surfaced during the course of investigation, which may connect petitioner with present occurrence. It is submitted that similarly situated co-accused, namely, Vinod Sahni has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 8396 of 2021 dated 13.07.2021. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as present FIR lodged after six months of the occurrence without having any just explanation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.01.2021,



accordingly, petitioner above named, is directed to be released on bail in connection with Sahebganj P.S. Case No. 195 of 2020) 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.-1st, West Muzaffarpur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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