

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31007 of 2023

Arising Out of PS. Case No.-43 Year-9 Thana- MAKER District- Saran

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Rohit Sahni @ Bablu @ Babloo @ Gautam Kumar s/o Musafir Sahni
Resident of village- Kajipur Thathan, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, ADvocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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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 Maker
P.S. Case No. 43 of 2009 registered for the offence under
Sections 307, 324, 326, 427, 120-B, 109 and 302 of the Indian
Penal Code, under Section 10(a)(iv), b(i) of the Unlawful
Activities Prevention Act, under Sections 3 and 4 of the
Explosives Substances Act and under Section 17 of the C.L.A.
Act (the Criminal Law Amendment Act, 1932

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.03.2022.

The allegation against the petitioner is of hurling



bomb upon the informant and others alongwith 21 named co-accused persons, causing death of body-guard of informant during the occurrence, while informant was on way to Circle Office in connection with filling his nomination form for coming panchayati election.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in F.I.R. and his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Mukesh Kumar Sharma, where no incriminating material recovered/surfaced during the course of investigation to connect him with present occurrence. It is submitted that petitioner remanded in this case in year 2022 from Hajipur Sadar P.S. Case No. 103 of 2013. It is further submitted that other un-named co-accused persons, namely, Vijay Sahni and Rajesh Rai have already been granted bail by different learned Co-ordinate Benches of this Court through Cr. Misc. No. 21491 of 2013 vide order dated 18.12.2013 and Cr. Misc. No. 54091 of 2013 vide order dated 03.09.2014. While concluding the argument, it has been submitted that investigation of this case has been 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, as save and except confessional statement of co-accused no incriminating material recovered/surfaced during the course of investigation to connect this petitioner, *prima facie*, with present occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 10.03.2022, accordingly, above named petitioner is directed to be released on bail in connection with Maker P.S. Case No. 43 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V, Saran/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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