

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34303 of 2023**

Arising Out of PS. Case No.-165 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Happy Sahni @ Vinesh Sahni @ Vinesh Chaudhary Son Of Garbhu Sahni @
Garbhu Chaudhary Resident Of Village- Shambhpatti, Ps- Muffasil, Distt-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
24.02.2023 in connection with Samastipur Muffasil P.S. Case
No. 165 of 2020, F.I.R. dated 17.04.2020 for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons were putting pressure on the father
of the informant to vacate the house and when he refused to do



so then this petitioner along with one other accused person have fired upon the father of the informant resulting into his death.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present 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 offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is allegation against the petitioner that he and other accused person namely, Bijoy Sahni have fired upon the victim. He further submits that the co-accused persons, namely, Bijoy Sahni @ Vijay Choudhary, Birju Sahni and Sanjeet Sahni have been acquitted by the learned Court below in S.T. No. 246 of 2022 vide order dated 22.02.2023. He further submits that the informant who was P.W.3 in S.T. No. 246 of 2022 has categorically stated in his cross examination that the accused of this case had not killed his father and on that basis the co-accused persons have been acquitted. The petitioner is in custody since 24.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Additional Chief Judicial Magistrate II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 165 of 2020, 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)

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