

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34264 of 2023

Arising Out of PS. Case No.-42 Year-2021 Thana- PUSA District- Samastipur

Sanjay Kumar Sahni Son Of Ramchandra Sahni @RAMCHANDRA
Chaudhary Resident Of Village- Malikour, Ps- Pusa , Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s :	Mr. Anil Kumar, APP
For the Informant :	Mrs. Vidaya Laxmi Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as 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
13.02.2023 in connection with Pusa P.S. Case No. 42 of 2021,
F.I.R. dated 17.04.2021 for the offences punishable under
Sections 307, 326/34 of the Indian Penal Code and Section 27 of
the Arms Act.

4. According to prosecution case, three unknown
persons came from biked and one person got down and shot the



husband of the informant who was sleeping at Bathan and then all the accused persons fled away.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the application given by the husband of the informant. He further submits that it appears from the F.I.R. that the date of occurrence is 15.04.2021 but the present F.I.R. is instituted on 17.04.2021. He further submits that the informant has not taken the name of the petitioner and the husband of the informant was admitted in the hospital and got discharged on 27.04.2021 and thereafter on 25.05.2021, the husband of the informant has filed a petition stating that the petitioner has fired upon him. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.02.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the injury report of the husband of the informant suggests that he has sustained grievous injuries and the



petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

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 Chief Judicial Magistrate, Samastipur in connection with Pusa P.S. Case No. 42 of 2021, 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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