

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55823 of 2023

Arising Out of PS. Case No.-310 Year-2018 Thana- JANDAHA District- Vaishali

=====

RABINDRA SAHNI S/O AYODHYA SAHNI R/O Village- Rasulpur Daud
and Khorampur, P.S- Goraul (Kathara O.P.), Distt.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Jandaha P.S. Case No. 310 of 2018 registered for the offence

under Sections 147, 148, 149, 302, 307, 326, and 384 of the

Indian Penal Code and Section 27 of the Arms Act and

Section 3 of the Explosive Act and also Sections 13, 16, 19,

and 20 of the Unlawful Activities Prevention Act, 1967.

The prosecution case is that 9-10 unknown

persons with their covered faces have gone to the house of

the informant and done to death the informant's brother.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Ritu Devi and Pankaj Kumar. He further submits that the petitioner was languishing in judicial custody in connection with Hajipur Sadar P.S. Case No. 462 of 2014 from 23.08.2018 to 22.04.2019 and the present occurrence has taken place on 28.12.2018 which shows that the petitioner was in custody on the day of present occurrence. He further submits that the petitioner has been granted bail in that very case on 22.04.2019 by a co-ordinate Bench of this Court vide Cr. Misc. No. 6502 of 2019. Moreover, co-accused, Rubi Devi, Sitabiya Devi and Ritu Devi having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 11.09.2019 passed in Cr. Misc. No. 38347 of 2019 along with Cr. Misc. No. 43046 of 2019. Some other co-accused namely, Lal Babu Sahni, Ravindra Sahni and Tufani Sahni @ Tufani Sahani have also been granted bail co-ordinate Benches of this Court, which is evident from Annexure-2 series. He further submits that the police after investigation has submitted charge-sheet in this case against



the petitioner. The petitioner is rotting in judicial custody since 28.01.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries thirteen more cases other than the present one and fairly submits that the petitioner has been granted bail in all cases according to paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-XI, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 310 of 2018 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

