

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49709 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- PIPRAHI District- Sheohar

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Jitendra Sahni @ Jagga Son Of Shambhu Sahni Resident Of Village- Narvara
(KISHUNPUR), Ps- Tariyani, Dist- Sheohar Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Verma, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 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
13.01.2023 in connection with Piprahi P.S. Case No. 139 of
2022, F.I.R. dated 05.06.2022 for the offences punishable under
Sections 147, 148, 149, 153, 323, 324, 307, 332, 333, 379, 427,
353 and 504 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with 8-10 unknown male and further 8-10 unknown female
persons variously armed with Lathi, Bhalra and Garasi have
stated assaulting the police party rendering S.I. Munna Kumar
seriously injured and they also snatched the gold chain of driver
of the police party.



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 it appears from the F.I.R. that there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused person including the petitioner that they have assaulted the police party. He further submits that the police after investigation submitted the charge sheet against the petitioner and on 22.06.2023 the charge has also been framed against the petitioner. The petitioner is in custody since 13.01.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents 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 three cases and in one case the petitioner has been acquitted from the charges and one case is pending against him.

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 Judicial



Magistrate 1st Class, Sheohar in connection with Piprahi P.S.

Case No. 139 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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