

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52317 of 2023**

Arising Out of PS. Case No.-332 Year-2020 Thana- MOTIHARI TOWN District- East
Champaran

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Rajan Sahani Son of Ramraj Sahani Resident Of Village & O.P.-
Raghunathpur, P.S.- Turkauliya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 1045 of 2021, arising out of Motihari Town P.S. Case No. 332 of 2020, registered on 11.06.2020 for the alleged offence under Sections 147, 148, 149, 324, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected



vide order dated 13.09.2022 passed in Cr. Misc. No. 66401 of 2021.

4. As per prosecution case, the petitioner shot upon the informant and another person tried to intervene he was also shot at by the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 30.10.2020 and till date two prosecution witnesses have been examined in this case, who are informant and another injured in this case but they have not supported the prosecution case about involvement of the petitioner in the firing. Even the informant has stated that someone fired upon him but he did not identify the petitioner. In his cross-examination he said that he did not see who fired upon him. Similar is the deposition of another victim Karan Kumar, who was examined as P.W.1. He also deposed that he did not see who fired upon him and he also did not identify the persons who were present in the dock. Learned counsel further submits that the petitioner has been made accused in large number of cases, but he has been acquitted in seven cases and in rest of the cases he is on bail. Learned counsel further submits that the wife of the petitioner has been suffering from some medical problem and the petitioner needs to take care of her.



6. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is accused in 22 other cases.

7. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that the victims failed to identify the petitioner as their assailant and further considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- XIIth, East Champaran, Motihari/concerned court in connection with Sessions Trial No. 1045 of 2021, arising out of Motihari Town P.S. Case No. 332 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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