

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50711 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- HAYAGHAT District- Darbhanga

GUDDU SAHNI SON OF RAMBABU SAHNI @ LALBABU SAHNI
RESIDENT OF VILLAGE / MOHALLA - BAJITPUR, P.S. - TOWN,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 20.04.2023 seeks bail, in connection with Hayaghat P.S. Case No.21/2021, dated 12.02.2021, for the offences punishable under Sections 394 of the IPC & Section 27 of the Arms Act.
3. According to prosecution case, three unknown persons came on a motorcycle and on the point of pistol, snatched the motorcycle of the informant and when informant protested, the accused persons fired upon right side of abdomen of the informant and the informant fell down and thereafter the accused persons fled away with the motorcycle of the informant.
4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of confessional statement of the co-accused namely Ranjay Sahni @ Golu Sahni and nothing has been recovered from conscious possession or the house of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one.

6. 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, Darbhanga in connection with Hayaghat P.S. Case No.21/2021, 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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