

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51381 of 2022

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHUA District- Vaishali

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Anil Sahni S/o Naresh Sahni R/o village- Thathan Buzurg, P.S.- Hajipur
Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 21-07-2023 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
04.03.2022 in connection with Mahua P.S. Case No. 02 of 2020,
F.I.R. dated 02.01.2020 for the offences punishable under
Sections 302 and 120B of the Indian Penal Code and Section 27
of the Arms Act.

4. According to prosecution case, six accused persons
named in the F.I.R along with this petitioner came to the house
of the informant and co-accused, Avinash Rai and Vinay Rai @
Bhulla opened fire on the husband of the informant, and



committed his murder.

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 on the basis of the confessional statement of the co-accused, namely, Varun Kumar @ Varun Paswan and except the confessional statement of the co-accused person, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Kapildeo Paswan Manoranjan Kumar Singh, Ram Pravesh Ray and Chandan Patel have been granted bail by a co-ordinate Bench of this Court vide order dated 05.11.2020 passed in Cr. Misc. No. 26568 of 2020 and co-accused, namely, Varun Paswan who took the name of the petitioner in his confessional statement has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.07.2021 passed in Cr. Misc. No. 15986 of 2021. The petitioner is in custody since 04.03.2022.

6. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries thirteen criminal antecedents other than the present one.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and 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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 02 of 2020, 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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