

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51841 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

Balbir Kumar @ Balbir Sahni S/o Sikandar Sahni Resident of Village - Ram
Tola, Kothiya, P.S.- Khagaria (Muffasil), District - Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Pravan Kumar, Advocate
		Mr. Bhubneshwar Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-02-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 365, 367, 120(B) of the
Indian Penal Code read with Section 302 of the Indian Penal
Code.

According to prosecution case, the petitioner has been
specifically alleged to assault and kidnap the victim with co-
accused person and 15 unknown persons.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner was only the member of the mob and there is no specific allegation of any assault or overt act against the petitioner. He further submits that it has come during investigation that the statement of Bablu Sahni who accompanied with the deceased was recorded under Section 164 of the Cr.P.C. in which he has categorically stated that the petitioner was only accompanying with the other accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.08.2022. He further submits that similarly situated, co-accused persons, namely:-

1) Kailu Tanti has been granted bail by this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 28617 of 2022.

2) Bhakul Sahni @ Sudhir Sahni has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.06.2022 passed in Cr. Misc. No. 4121 of 2022.

3) Sanjay Sah has been granted bail by Co-ordinate Bench of this Court vide order dated 21.04.2022 passed in Cr. Misc. No. 68531 of 2021.



4) Ajay Sah has been granted bail by Co-ordinate Bench this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 59737 of 2021.

5) Sikandar Sahni has been granted bail by Co-ordinate Bench this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 51778 of 2021.

6) Shyama Devi and Mamta Devi have been granted bail by Co-ordinate Bench this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 44234 of 2021.

7) Pandav Sahni has been granted bail by Co-ordinate Bench this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 8726 of 2022.

8) Bikash Sahni @ Bikas Sahni and Gautam Tiwari @ Gautam Sahni have been granted bail by Co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 67097 of 2021.

9) Dharmendra Sahni @ Bablu Sahni and others have been granted bail by Co-ordinate Bench of this Court vide order dated 11.05.2022 passed in Cr. Misc. No. 71767 of 2021 and its analogous case.

The learned counsel appearing on behalf of the informant as well as Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 5 cases but fairly submits that the petitioner is on bail in 4 cases.

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 Court below where the case is pending in connection with Sessions Trial No. 245 of 2022 arising out of Khagaria (Muffasil) P.S. Case No. 423 of 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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