

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56056 of 2023

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

Bhajan Sahni @ Bhajan Sah son of Nago Sahni @ Gango Sah Village- Ram
Tola Kothiya Ps- Khagaria Muffasil Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 29.08.2022, in connection with Sessions Trial No. 245 of 2022 arising out of Khagaria (Muffasil) P.S. Case No. 423 of 2021, F.I.R. dated 30.05.2021 registered for the offences punishable under Sections 365, 367, 120(B) of the Indian Penal Code.

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

4. Earlier the bail petition of the petitioner was allowed by order dated 23.03.2023 passed in Cr. Misc. No. 68695 of 2022 but the bail bond of the petitioner was not accepted by the learned Trial court on the ground that the



petitioner has stated in paragraph-3 of the bail petition that the petitioner has clean antecedent but in fact the petitioner carries one more criminal antecedent other than the present one.

5. Learned counsel for the petitioner further submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the petitioner is only member of the mob and there is no specific allegation of any assault or overt act attributed against the petitioner and it has come during investigation that the statement of Bablu Sahni who was 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 accompanied with the other co-accused person and there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.08.2022. He further submits that similarly situated co-accused persons have been granted bail by a different Benches of this Hon'ble Court which is as follows:-

1) Balbir Kumar @ Balbir Sahni has been granted bail by this Court vide order dated 25.02.2023 passed in Cr. Misc.



No. 51841 of 2022.

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

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

4) Sanjay Sah has been granted bail by a Coordinate Bench of this Court vide order dated 21.04.2022 passed in Cr. Misc. No. 68531 of 2021.

5) Ajay Sah has been granted bail by a Coordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 59737 of 2021.

6) Sikandar Sahni has been granted bail by a Coordinate Bench of this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 51778 of 2021.

7) Shyama Devi and Mamta Devi have been granted bail by a Coordinate Bench of this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 44234 of 2021.

8) Pandav Sahni has been granted bail by a Coordinate Bench of this Court vide order dated 29.06.2022 passed in Cr. Misc. No. 8726 of 2022.

6. The learned Additional Public Prosecutor for



the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Khagaria 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 witness, 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 antecedents, 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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