

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61206 of 2023**

Arising Out of PS. Case No.-175 Year-2023 Thana- BAHADURPUR District- Darbhanga

Ajay Sahni @ Ajay Kumar Sahni Son Of Late Mahesh Sahni Resident Of
Mohalla / Vill - Sahganj Benta, P.S.- Laheriasarai, District - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha,Advocate
For the Opposite Party/s : Mrs.Sharda Kumari,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 21-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 14.04.2023 in connection with Bahadurpur P.S. Case No. 175 of 2023, F.I.R. dated 13.04.2023 registered for the offence punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act .

3. The prosecution case, in short, is that on 13.04.2023 the informant alleges that his brother told that three persons sitting on a red motorcycle which was driven by the petitioner was stopped at the shop of the informant and Ritik Sharma fired on him. Brother of the informant fallen in course of saving himself.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the petitioner was with the co-accused persons at the place of occurrence but there is no accusation of any assault or overt-act attributed against the petitioner rather the allegation of firing is attributed against co-accused person, namely, Ritik Sharma who fired upon the brother of the informant but he has not received any injury and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.04.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Sub Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur P.S. Case No. 175 of 2023, with the following conditions:-



(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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