

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3870 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- DESARI District- Vaishali

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NANDU SAHNI @ ANANDU SAHNI Son of Rambriksh Sahni Resident of
Village- Chandpura Nanhkar, P.S.- Desari, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Paswan Son of Madan Paswan Resident of Village- Chainpur
Nanhkar, P.S.- Desari (Chandpura O.P.), District- Vaishali

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bijay Bhushan Prasad
For the Respondent/s	:	Mr. Binay Krishna
For the Respondent No.2:		Mr. Anirudh Kumar Singh
		Mr. Prabhat Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-03-2023 Heard Ld. counsel for the appellant, Ld. Special

Public Prosecutor for the State and Ld. counsel for the

Informant/Respondent No. 2.

This criminal appeal has been filed to enlarge the
appellant on bail, impugning the order dated 21.07.2022,
passed by Ld. Special Judge SC/ST Act, Vaishali at Hajipur
in connection with Desari (Chandpura O.P.) P.S. Case No.
164 of 2022, registered for the offences punishable under
Sections 302, 34 and 201 of the Indian Penal Code and
Section 3(2)(v) of the SC/ST Act, whereby bail has been
denied to the appellant.



The prosecution case as emerging from the FIR is that the brother of the informant was threatened of dire consequences by the appellant and his associates and on 16.04.2022 at about 11:00 P.M. one Mangra Sahani called the brother of the informant through mobile, on which he went but did not return home. It is further alleged that in the next morning when the brother of informant went to search his brother, he found the dead body of the victim lying in the field of one Ramesh Rai. It is also alleged that the accused persons killed the victim by strangulation.

Ld. counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that the appellant is not named in the FIR and his name has transpired in the confessional statement of other co-accused persons, namely, Mangra Sahni and Mukesh Sahni. He also submits that similarly situated accused person, namely, Lalita Devi has already been enlarged on bail vide order dated 08.12.2022 passed in Cr. Appeal (SJ) No. 2891 of 2022 and Mukesh Sahni and Rambabu Sahni have already been enlarged on anticipatory



bail vide order dated 02.02.2023 passed in Cr. Appeal (SJ) No. 2948 of 2022.

He further submits that the appellant has been languishing in jail since 14.06.2022.

It has also been stated in paragraph no. 3 of the appeal that the appellant has no criminal antecedents.

It is also stated in paragraph no. 2 of the appeal that the appellant has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. Special Public Prosecutor for the State and Ld. counsel for the Informant vehemently oppose the prayer of the appellant for bail submitting that the Police has found the accused-appellant guilty and filed charge-sheet against him.

Considering the aforesaid facts and circumstances, **this appeal is allowed**, setting aside the impugned order dated 21.07.2022, passed by Ld. Special Judge SC/ST Act, Vaishali at Hajipur, and directing the appellant to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of Ld. Special Judge SC/ST Act, Vaishali at Hajipur in connection with Desari (Chandpura O.P.) P.S. Case No. 164 of 2022, on the following conditions:

(i) The appellant will make himself available for interrogation by a police officer/court as and when required.

(ii) The appellant will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the trial court that the appellant has any criminal antecedents, the Ld. trial court shall cancel the bail bonds of the appellant after hearing him and getting satisfied that the appellant has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the trial court that statement regarding previous bail appeal is wrong, the Ld. trial court shall cancel the bail bonds of the appellant.

Ld. counsel for the appellant is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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