

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9480 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- BANGARA District- Samastipur

=====

Suraj Sahni @ Suraj Kumar Sahni Son of Raj Kumar Sahni Resident of
Village-Mahisour, P.S.-Jandaha, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 9953 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- BANGARA District- Samastipur

=====

Ratnesh Sah @ Ratnesh Kumar Son of Sudhir Sah R/o vill - Mahisaur, P.S. -
Jandaha, Distt. - Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :
(In CRIMINAL MISCELLANEOUS No. 9480 of 2024)
For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Umeshanand Pandit
(In CRIMINAL MISCELLANEOUS No. 9953 of 2024)
For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Nagendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State. No one appeared on behalf of the petitioner

of the Cr. Misc. No. 9953 of 2024. However, Counsel for the

State is present.

2. The petitioner seeks regular bail in connection with

National Highway Bangara P.S. Case No. 96 of 2023 registered



on 12.07.2023 lodged under Sections 302, 34 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged against the person i.e. Md. Sajjad who is other than the petitioner of both the case. Counsel for the petitioner submits that only due the reason that petitioner were not named in this case, this Court has pleased to call the case diary.

4. Upon perusal of the case diary, the allegation against the petitioner of first case is that he has worked as liner in the commission of the crime whereas the allegation against the petitioner of the second case is that he has worked as the shooter. But the name of petitioner of both the cases has been figured by the confessional statement of Md. Sajjad who was apprehended by the police. Counsel submits that on the basis of confessional statement nothing can be proved as decided by Hon'ble Supreme Court of India in the case of **Toofan Singh Vs. State of Tamil Nadu, AIR 2929 SC 5592** that the confessional statement has no value. Counsel for the petitioner submits that petitioner of first case has one criminal antecedent and is in custody since 27.09.2023 and the petitioner of second case is in custody since 27.09.2023 having one antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that upon perusal of the case diary, the



person on whose confessional statement name of the petitioner has been figured in this case, arms has also been recovered from his statement. Therefore, his statement cannot be discarded.

6. Upon specific query made by this Court that whether charge has been framed or not, counsel for the petitioner submits that he is not aware of this fact that charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner of first case i.e. *Suraj Sahni @ Suraj Kumar Sahni* be granted bail ***after framing of charge*** and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Samastipur in connection with national Highway bangara P.S. Case No. 96 of 2023 subject to the conditions laid down under Section 437 (3) of the Cr.P.C. whereas the bail application of the petitioner of second case i.e. *Ratnesh Sah @ Ratnesh Kumar* is hereby rejected.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

