

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21219 of 2024

Arising Out of PS. Case No.-238 Year-2023 Thana- KALUAHI District- Madhubani

1. Sonu Sahni Son Of Late Ramchandra Sahni Resident Of Village- Ward No.2, Khikhirya Tola, P.O And P.S. -Kaluahi, District -Madhubani
2. Laxman Sahni Son Of Phaudar Sahni Resident Of Village- House No. 183/5, Hallo Majra, Chandigarh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Saurav, Advocate

Mr. Baua Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kaluahi P.S. Case No.238 of 2023, F.I.R. dated 18.11.2023 registered for the offence punishable under Sections 394 and 412 of the IPC.

3. As per prosecution case, four miscreants waylaid the informant of mobile phone and other articles after intercepting his motorcycle. One of the accused persons was apprehended who disclosed the name of this petitioner.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case and nothing incriminating has been recovered from his possession. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has been transpired in this case on the basis of the confessional statement of co-accused namely, Rampreet Sahni. It is next submitted that as per the statement of the co-accused person, the petitioners along with Santosh Sahni was also involved in the present crime in question and except the confessional statement, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. It is further submitted that co-accused, namely, Santosh Sahni has been granted privilege of anticipatory by a co-ordinate Bench of this Court vide order dated 22.02.2024 in Cr. Misc. No.7898 of 2024.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts that petitioners have clean antecedent, name of the petitioners have been transpired in this case on the basis of the confessional statement of co-



accused person as also other co-accused person has been granted bail by a co-ordinate bench of this Court, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 Judicial Magistrate, Ist Class, Madhubani in connection with Kaluahi P.S. Case No.238 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of their anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioners. 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)

Prakash Narayan

U		T	
---	--	---	--

