

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40713 of 2024

Arising Out of PS. Case No.-702 Year-2023 Thana- KHAGARIA District- Khagaria

Mithun Sahni Son of Late Umesh Sahni Resident of Village - Bhadas Uttari,
P.S.- Muffasil Khagaria, District - Khagaria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Khagaria (Muffasil) P.S. Case No. 702 of 2023 instituted for the offences under Sections 341, 323, 447, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on the alleged date and time of occurrence, six miscreants including this petitioner came at the house-cum-shop of the informant and abused her. It is further alleged that the accused persons made indiscriminate firing and fled away threatening the informant.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the



present case due to local village politics and old enmity. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that no injury is caused to any person in the alleged occurrence. Charge-sheet has been submitted under Sections 341, 323, 447, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. It has been submitted on behalf of the petitioner that the petitioner has been remanded in this case from Muffasil Khagaria P.S. Case No. 1120 of 2023 on 24.11.2023 and has five criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, general and omnibus allegation against the petitioner as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Muffasil) P.S. Case No. 702 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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