

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69024 of 2024

Arising Out of PS. Case No.-453 Year-2021 Thana- DHAKA District- East Champaran

Rajesh Sahani S/o Rupnarayan Sahani R/o Village- Madhuchapra, P.S-
Bairganiya, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-09-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out of Dhaka (Pachpakari) Police Station Case No. 453 of 2021, disclosing offences under Sections 393 of the Indian Penal Code and Section 25 (1-b)a, 26, 35, 27 of the Arms Act.
3. As per the prosecution case, on 14.09.2021, at about 7:00 pm, informant was intercepted by four unknown miscreants and they demanded money from the informant and on refusal, one of the miscreant fired upon him. It is further alleged that co-accused Ajay Raut was apprehended from the spot while others managed to flee away.
4. Learned counsel for the petitioner submits that



petitioner is innocent and falsely been implicated in the present case due to dirty village politics and prior enmity with co-accused Ajay Raut. He next submits that petitioner was not apprehended from the spot and nothing has been recovered from his conscious possession. He next submits that the name of the petitioner in the present case has transpired on the basis of confessional statement of co-accused Ajay Raut with whom, petitioner had inimical terms. He further submits that none of the independent witnesses has supported the prosecution case. He further submits that similarly situated co-accused Ajay Raut has been granted bail by this Court in Cr. Misc. No. 2754 of 2022 *vide* order dated 26.05.2022. The petitioner is in custody since 31.03.2024.

5. Regards being had to the submissions made by the parties and taking into consideration the fact that petitioner got implicated due to dirty village politics, his name got transpired on the basis of confessional statement of Ajay Raut who is the co-accused in the present case and has been granted bail by this Court in Cr. Misc. No. 2754 of 2022 *vide* order dated 26.05.2022, I am inclined to grant regular bail to the petitioner.

6. 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, Sikrahana at Dhaka, East Champaran, Motihari, in connection to the Dhaka (Pachpakari) Police Station Case No. 453 of 2021, disclosing offences under Sections 393 of the Indian Penal Code and Section 25 (1-b)a, 26, 35, 27 of the Arms Act.

7. This is subject to the condition that the petitioner shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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