

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1517 of 2023**

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

Ramnath Sahni @ Ramu Sahni, S/O Kailn Sahni, R/O Village- Chandpur
Nandkan, P.S- Desari (Chand O.P), Distt.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Paswan, S/O Madan Paswan, R/O Village- Chainpur Nanhakar, P.S-
Desari (Chandpur O.P), Distt.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Vinay Kumar Mishra, Advocate. Mr. Shankar Prasad Roy, Advocate.
For the State	:	Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

7 24-01-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This criminal appeal has been filed to enlarge the appellant on bail, impugning the order dated 08.02.2023 passed by learned 1st Special Judge SC/ST Act, Vaishali at Hajipur, in connection with Desari (Chandpura O.P.) P.S. Case No. 164 of 2022 dated 17.04.2022, registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Sections 3(ii) (V) of SC/ST Act whereby bail has been denied to the appellant.

3. 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.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case. He further submits that similarly situated co-accused Nandu Sahni @ Anandu Sahni, Lalita Devi @ Radha Devi, Mukesh Sahni, Rambabu Sahni and Rajan Sahni have already been enlarged on bail by this Court as well as co-ordinate Benches of this Court vide orders dated 3.3.2023, 8.12.2022, 2.2.2023, 3.11.2023 passed in Cr. Appeal (SJ) Nos. 3870 of 2022, 2891 of 2022, 2948 of 2022 and 163 of 2023 respectively.

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

6. 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.



7. However, learned Special Public Prosecutor for the State 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.

8. Considering the fact that case of the appellant stands on similar footing of co-accused Nandu Sahni @ Anandu Sahni, Lalita Devi @ Radha Devi, Mukesh Sahni, Rambabu Sahni and Rajan Sahni, this appeal is allowed, setting aside the impugned order dated 08.02.2023, passed by learned 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 learned 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 learned 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.

(Jitendra Kumar, J)

S.Ali/-

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

