

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70055 of 2024

Arising Out of PS. Case No.-40 Year-2020 Thana- NAGAR District- Vaishali

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Lalu Sahni @ Chote Sarkar Son of Sanichar Sahni Resident of Village -
Nakhas Chowk, P.S. - Hajipur Town, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Hajipur Town P.S. Case No. 40/2020 / S.Tr. No. 305/2021 dated 13.01.2020 registered for the offence punishable u/s 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, when the informant was sitting at his shop, in the meantime, three miscreants entered the shop and started firing due to which the informant sustained injury on his left hand. On *hulla*, the miscreants fled away. Thereafter, the informant was taken to hospital for treatment.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R . The name of the petitioner has sprung up in the self-confessional statement of the petitioner in Hajipur Town P.S. Case No. 337 of 2020. There is nothing against the petitioner except the confessional statement. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has 16 criminal antecedents out of which two cases are related to Section 302 of the I.P.C. as stated in para 3 of the bail petition. The petitioner is in custody since 10.06.2020.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. As per letter no. 66/24 dated 28.11.2024, out of nine prosecution witnesses only two witnesses have been examined and as per the impugned order, the defence did not cross-examine the said two witnesses which shows that the petitioner is not co-operating to the conclusion of trial.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Addl. District & Sessions Judge-VII, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 40/2020 / S.Tr. No. 305/2021, with the conditions:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in the future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(iii) The petitioner is directed to co-operate during the trial.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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