

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87601 of 2024

Arising Out of PS. Case No.-396 Year-2018 Thana- KUDHNI District- Muzaffarpur

=====

Brajesh Sahani @ Brajesh Kumar S/o- Mohan Sahani Village- Teliya
Charkoriya P.S- Kudhani Turki O.P. District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr.Mohammad Sufyan

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-04-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner makes a prayer for bail in connection
with Kudhani P.S. Case No.396 of 2018 registered for offences
under Section 394, 302 of the Indian Penal Code.

3. It would appear from a perusal of the First
Information Report that on the evening of 08.08.2018, while the
informant was on way for home on his motorcycle, three
unknown motorcyclists intercepted on his motorcycle and one
of them attacked the informant. It is alleged that when
informant's wife intervened, all the criminals brutally assaulted
her by means of knife and kicks causing serious injury to her
and thereafter, fled away from the scene of occurrence. It has
further been alleged that while both the injured were being taken



for treatment, the informant's wife died on the way.

4. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and no incriminating material has been recovered from his possession. It is his further submission that the name of the petitioner surfaced in the confessional statement of co-accused Abhishek Kumar, who has been granted regular bail by this Hon'ble Court *vide* order dated 02.06.2020 passed in Criminal Miscellaneous No.15459 of 2020. Learned counsel for the petitioner further submits that the petitioner has not been put to T.I. Parade and the charge sheet has already been submitted in this case. Although, the learned counsel for the petitioner also draws the attention of this Court to the fact that the F.I.R. itself reveals that the accused persons were unknown and they had concealed their identity.

5. Learned APP for the State submits and opposes the prayer for bail on the ground that the petitioner has earlier been made accused in three other cases to which the learned counsel for the petitioner responds that he is on bail in all the above mentioned cases.

6. Considering the fact that the name of the petitioner has only transpired on the basis of the confessional statement of co-accused, which has no evidentiary value and the petitioner is



languishing in custody since 25.07.2024, as also the fact that the co-accused, upon whose confessional statement, the name of the petitioner has transpired, has already been granted bail, the petitioner is enlarged 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 A.C.J.M. 1st Muzaffarpur (West), in connection with Kudhani P.S Case No.396 of 2018, subject to the following conditions:

- (i) the petitioner shall co-operate in the investigation/trial.
- (ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

sharun/-

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

