

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87636 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- JANDAHA District- Vaishali

Govind Sahni S/O Ram Bilash Sahni @ Bilash Sahni Res. of Vill -
Harlochanpur Sukki, P.S. - Harlochanpur Sukki (Patepur), Dist - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 21-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Jandaha
(Mahisour) P.S. Case No. 381 of 2023 instituted for the
offences under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of being involved in
committing murder of the Informant's husband by firing.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to ulterior motive of the police. The petitioner has not
committed any offence as alleged in the F.I.R.. The petitioner is
not named in the F.I.R. and his name has surfaced in this case on



the basis of the confessional statement of the co-accused Vikash Kumar Sahni @ Bhulla which has got no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner further points out that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing is against the co-accused Vikash Kumar Sahni @ Bhulla. The petitioner has altogether seven criminal antecedents and is languishing in judicial custody since 04.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that the name of the petitioner has surfaced in this case on the basis of the confessional statement of the co-accused Vikash Kumar Sahni. The eye-witness Gunja Kumar in her statement recorded under Section 161(3) Cr.P.C. has full supported the prosecution case. The petitioner has seven criminal antecedents and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case



and the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Jandaha (Mahisour) P.S. Case No. 381 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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