

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47567 of 2014

Arising Out of PS.Case No. -97 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Chulahi Sahani @ Baliram Sahani @ Chulhai Sahni s/o Deo Dhari Sahani,
r/o Vill.- Siraha Kothi, P.S.- Pakaridayal, Dist.- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.49666 of 2014

Arising Out of PS.Case No. -97 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Binod Jaiswal son of Nagina Prasade Jaiswal @ Navin Prasad, Resident of
Village - Madhubani Ghat P.S. - Motihari- Mufassil, District- East
Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.47567 of 2014)

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mrs. Asha Kumari, A.P.P.

(In Cr.Misc. No.49666 of 2014)

For the Petitioner/s : Mr. Javed Aslam

For the informant : Mr. Patanjali Rishi, Adv.

For the State : Mr. Chandra Sen Pd.Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 30-03-2015 Criminal Miscellaneous No. 47567 of 2014 wherein

Chulahi Sahani @ Baliram Sahani @ Chulhai Sahni is the

petitioner and Criminal Miscellaneous No. 49666 of 2014 wherein

Binod Jaiswal is the petitioner commonly originate out of Motihari

Muffasil P.S. Case No. 97 of 2014 and on account thereof, have

been heard together and are disposed of by a common order.

The learned counsel for the petitioner Binod Jaiswal of Criminal Miscellaneous No. 49666 of 2014 has not turned up and on account thereof, the same is dismissed for non-prosecution.

Nilam Devi, wife of injured, Anil Singh filed written report, wherein she has stated that her opponents, times without number, attempted upon life of her husband after hatching a conspiracy, wherein she named so many persons including that of petitioner, Chulahi Sahani, demanding Rs. 2,50,000/- at an earlier occasion from her husband. Anil Singh, injured, survived and on account thereof, his statement has been recorded under para 44 of the case diary. He has stated that while, after taking tea from the place of Ram Balak Prasad and Binay Sharma, he proceeded they talked over mobile and subsequently thereof, motorcycle ridden criminals intercepted them and on an order of Chandeshwar Thakur, one Ashok Prasad fired upon him. He has further stated that at an earlier occasion also one Binod Jaiswal had conspired with the criminals to kill. However, the aforesaid conspiracy found exposed and the aforesaid version is found corroborated with recording of the conversations having effected in between Ashok Prasad, Subodh, Chulahi Sahani @ Baliram Sahani @ Chulhai Sahni (petitioner) and so having dealt victimization at the end of

Binod Jaiswal in conspiracy with others including the petitioner.

At the present stage, order dated 19.12.2014 has been filed passed by a co-ordinate Bench in Criminal Miscellaneous No. 50878 of 2014 wherefrom it is apparent that prayer of bail of co-accused Munna Mian @ Jaffir Alam is found rejected.

It has been submitted on behalf of petitioner that from the statement of the injured, it is apparent that assailant is somebody else. Order giver is somebody else. During course of investigation, the informant had not produced the recording, having in his voice, wherefrom it would be inferred that petitioner had received Rs. 2,50,000/- for causing murder of the injured. The aforesaid statement against the petitioner has been made in wayward manner without having legal consent. Furthermore, the order of rejection is based upon the averments whatsoever been made under written report and having so, the same cannot be accepted as a precedent.

At the other end, the learned A.P.P., assisted by learned counsel for the informant, has submitted that presence of Munna Mian is not at all found in the statement of the victim. His case was on better footing than that of the petitioner. When the co-ordinate Bench considered the plea and rejected the same, then the petitioners have no leg to stand by.

To maintain parity of the order, the prayer of bail of petitioner Chulahi Sahani @ Baliram Sahani @ Chulhai Sahni is rejected.

(Aditya Kumar Trivedi, J.)

Vats/-

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