

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29101 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -BHAGWANPUR District- BEGUSARAI

1. Jai Jai Ram Sahni
2. Mukesh Sahni Both Sons of late Damodar Sahni Resident of Vilalge Sahuri, P.s Birpur, District Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. S.N Shukla (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2015 Heard the learned counsel for the petitioners, the learned A.P.P as also learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 302, 201/34 and 120 (B) of the I.P.C

Allegedly, the petitioner no.1 with his associates murdered Birju Sahni, brother of the informant and threw the dead body in lonely place at village- Cheria.

Submission is of false implication only on the basis of suspicion. There is no direct or circumstantial evidence against the petitioners. Due to Jalkar dispute the petitioners have been implicated in this case. Petitioner no.2 is not named in the F.I.R. The informant is not an eye witness of the occurrence nor any one



has seen the petitioners along with the deceased or they were seen near the place of occurrence and the statement of co-accused Shaligram Paswan before the police has got no evidentiary value in the eye of law. The deceased was accused in several cases and as such the petitioners who are suffering in custody since 08.04.2015 deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioners are involved in several other cases and it is the case of conspiracy hatched up by petitioner no.1.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Rajesh Kumar Dwivedi, J.M. 1st Class, Begusarai in Bhagwanpur P.S. Case No. 208 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on

their part without any reason shall disentitle the petitioners from
privilege of bail.

(Jitendra Mohan Sharma, J)

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