

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23242 of 2015

Arising Out of PS.Case No. -58 Year- 2013 Thana -BOCHAHA District- MUZAFFARPUR

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1. Ram Shrestha Sahani Son of Mahendra Sahani Resident of village /
Mohalla - Karanpur Uttari, P.S. Bochaha, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Chandra

For the Opposite Party : Mr. Dr.Ajeet Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 22-06-2015

Heard both sides.

Petitioner apprehends his arrest in connection with
Bochaha P.S. case No 58 of 2013 registered under Sections 341,
323, 326 and 307/34 of the IPC and Section 27 of the Arms Act.

According to the prosecution case, the petitioner
along with other co-accuseds riding motorcycle tried to
kidnap/abduct the son of the informant. At the orders of the
petitioner, it is alleged that co-accused, namely, Ram Sringar
Sahni opened fire and injured the son of the informant.

It has been submitted on behalf of the petitioner that
even going by the allegation in the First Information Report there
is no allegation of causing any injury to the victim attributed to
the petitioner. The police upon conclusion of investigation did not

send him up. The Court below, however, differing with the police report took cognizance against the petitioner. Hence the apprehension.

In the facts and circumstances of the case, let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Muzaffarpur, in connection with Bochaha P.S. case no. 58 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail



bonds of the petitioner and secure his arrest in accordance with law.

- (iii) During the subsistency of the privilege of anticipatory bail if the petitioner is found involved in any other criminal case, the same shall be deemed as breach of the condition entailing its cancellation.

(Kishore Kumar Mandal, J)

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