

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50629 of 2015

Arising Out of PS.Case No. -60 Year- 2010 Thana -TISIAUTA District- VAISHALI(HAJIPUR)

Sunil Sahni, son of Sri Sahdeo Sahni, Resident of village - Dawaich, Police Station – Tisiauta, District Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Utsav Kumar

For the Opposite Party : Mr. Hirday Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is accused in connection with Tisiauta P.S. Case No. 60 of 2010, registered under Section 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that informant Baiju Rai, his elder brother Mithilesh Ram @ Mahobiya and villagers Mahesh Mahto and Ganesh Mahto along with Shankar Choudhary went at the brick-kiln on giving information for loading the bricks. In course of loading the bricks, in the evening at about 4.30 P.M., four persons on a motorcycle along with Munsi Rajesh Paswan came there and on being identified by Munshi Rajesh Paswan two persons shot fire on the chest and bone cage of his elder

brother Mithilesh Rai, who died on the spot and, thereafter, the accused persons fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the F.I.R and informant claimed to identify the petitioner, in course of investigation, merely on suspicion the petitioner has been remanded in this case on 18.06.2015 and since then he is in custody. Further submission is that while informant claimed to identify the culprits on seeing them but the petitioner has not been put on T.I.P. till date. In fact, petitioner is accused in 12 other cases as detailed in para 3 of the case diary, due to that reason, the Police has implicated the petitioner in the present case also without any basis merely on suspicion.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Hajipur in connection with Tisiauta P.S. Case No. 60 of 2010. Out of two sureties, one surety must be the close relative of the petitioner, who will file an affidavit showing his/her relation with the petitioner and further the petitioner shall remain present on each and every date during the course of the

trial in the court below. If the petitioner fails to remain present on two consecutive dates during the course of the trial without any reasonable cause being shown, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

(Rajendra Kumar Mishra, J)

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