

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55513 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Sahani Son of Jhalu Sahani Resident of Village- Manjhar Tola
Godhiya, Police Station -Pakari Dayal District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. S.Dayal(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-01-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in jail custody since
26.09.2015 in connection with Pakari Deyal P.S. Case No. 254 of
2014 registered for the offences punishable under Sections 436/34
of the Indian Penal Code.

The prosecution case is that the informant Ganpati
Devi submitted her written application dated 03.11.2014 before
Pakari Deyal Police Station, alleging therein that on 27.10.2014 at
about 8:00 P.M., petitioner along with others had come to her
house, abused and assaulted the informant, her husband and son
and also threatened to kill them. Thereafter, the petitioner and her
family members hid themselves to save their lives. On 01.11.2014
at about 11 P.M., petitioner along with other accused persons set
her house on fire, resultantly, grains, house-hold articles and

ornaments were burnt.

It has been submitted by the counsel for the petitioner that although the alleged date of occurrence is 27.10.2014, but the First Information Report has been lodged on 03.11.2014. It has further been submitted by the counsel for the petitioner that both the petitioner's side and informant's side are on inimical terms and that the present case is a prelude to the earlier case lodged by the wife of one of the accused, Baiju Sahni (bearing Pakari Deyal P.S. Case No. 244 of 2014 for the offence under Sections 341, 323, 354, 354A, 354B, 504 and 34 of the Indian Penal Code).

Learned A.P.P. appearing on behalf of the State, however, opposes the prayer for grant of bail and submits that the petitioner has been named in the First Information Report.

Considering the fact that the petitioner has no criminal antecedent and the First Information Report has been lodged after much delay, the petitioner (Santosh Sahani) is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate – Vth, East Champaran at Motihari in connection with Pakari Deyal P.S. Case No. 254 of 2014.

(Nilu Agrawal, J.)

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