

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49581 of 2014

Arising Out of PS.Case No. -209 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Shankar Kumar Sahani Son of Ram Chandra Sahni Resident of Village - Semraha,
P.S.- Rajepur, District - West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-06-2016

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Mehsi P.S. Case No. 209 of
2013 dated 05.12.2013 instituted under Sections
216/121(A)/384/386/506/120B of the Indian Penal Code,
13/15/16/18/20A of the U.A.P. Act and 17 o the C.L.A. Act.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected on 23.06.2014 passed in Cr. Misc.
No. 9668 of 2014.

Learned counsel for the petitioner submits that the



money recovered from his possession was on account of return of advance given to Surendra Sahani by Birendra Prasad Singh as he had expressed his inability to execute the sale deed in favour of Surendra Sahani. It is further submitted that co-accused namely Lalbabu Sahni @ Bhasker Ji and Surendra Sahani have been granted bail by co-ordinate Benches of this Court on 20.08.2014 in Cr. Misc. No. 27044 of 2014 and 05.11.2014 in Cr. Misc. No. 40341 of 2014, respectively.

Learned A.P.P., from the case diary, submits that the witness Birendra Prasad Singh had stated that as per extortion call from Surendra Sahani, it was the petitioner along with Surendra Sahani, who had collected the money and from their possession Rs.4,50,000/- has been recovered by the police. It is submitted that Birendra Prasad Singh had withdrawn Rs.3,00,000/- one day prior to the date of occurrence which clearly establishes the fact that the money recovered from the petitioner belonged to Birendra Prasad Singh. It is further submitted that the witnesses have also supported such fact of the petitioner having received the money from Birendra Prasad Singh and, thus, the petitioner does not deserve any indulgence.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

However, the court below shall expedite the trial and conclude the same within nine months.

The Superintendent of Police, East Champaran, Motihari is directed to ensure that the prosecution witnesses are produced before the Court below on the dates so fixed. The Court below shall also ensure that short dates are fixed and the trial is concluded within the stipulated time positively.

Registry shall communicate the order to the Court below as well as the Superintendent of Police, East Champaran, Motihari through Fax also latest by tomorrow.

(Ahsanuddin Amanullah, J)

Anjani/-

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