

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54001 of 2015

Arising Out of PS.Case No. -103 Year- 2007 Thana -MINAPUR District- MUZAFFARPUR

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1. Binod Sahni S/o Late Rambriksha Sahni resident of Village - Dharmapur,
P.S. - Meenapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.57080 of 2015

Arising Out of PS.Case No. -103 Year- 2007 Thana -MINAPUR District- MUZAFFARPUR

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1. Sanofi Sahni @ Sonafi Sahni son of Shankar Sahani, R/o Village-
Purainiya, P.s.- Minapur, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.54001 of 2015)

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Dr.Kumar Uday Pratap (App)

(In Cr.Misc. No.57080 of 2015)

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. M.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 19-01-2016 Above noted both applications have arisen out of one

occurrence i.e. Minapur ps. 103 of 2007 registered for the offence

punishable under Section 396 of the Indian Penal Code as such

they have been heard together and are being disposed of by this

common order.

The petitioners are not named in the FIR and during investigation names of the petitioners transpired that they were taking drink with other co-accused and further their names transpired in the confessional statement of co-accused Ajay Sahani.

Submission is of false implication and that co-accused Santosh Sahani has faced trial vide Sessions Trial No. 565 of 2007 and he has been acquitted, the petitioners have got no criminal antecedent, they were not aware regarding their names in this case and as soon as they came to know they have voluntarily surrendered on 30.06.2015 and since then they are in custody.

Learned APP submits that though the petitioners are not named in the FIR but their names have transpired during investigation.

In the facts and circumstances stated above, considering that the petitioners have voluntarily surrendered and one of the co-accused has been acquitted, the petitioners above named of both cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Muzaffarpur in Sessions Trial No. 493 of 2014 arising out of Meenapur P.S. Case No. 103 of 2007, 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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