

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52294 of 2015

Arising Out of PS.Case No. -436 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mishrilal Sahani @ Mishri Lal Sahni son of late Dhanpat Sahani
 2. Guguli Sahani son of Yogendra Sahani
 3. Rajesh Sahani son of Jit Narain Sahani.
 4. Matbali Sahani son of Puran Sahani
 5. Harendra Sahani Son of late Ramjee Sahani.
 6. Babulal Sahani son of Jaimangal Sahani
 7. Satyanarayan Sahani son of late Ramjee Sahani

All residents of Village- Lakhaura, P.s Lakhaura, District East
Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. M.Rab, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek bail in connection with Muffasil
(Lakhaura) P. S. Case No. 436 of 2014 registered under
Sections 341, 342, 323, 307, 354, 379, 147, 148, 149, 447, 504
and 506 of the Indian Penal Code and Section 27 of the Arms
Act.



It has been contended that the similarly circumstanced co-accused Bishwanath Sahani @ Vishwanath Sahani and Aashirbad Sahani have already been granted bail vide orders dated 30.10.2015 and 17.08.2015 passed in Cr. Misc. No. 31282 of 2015 and Cr. Misc. No. 32629 of 2015 respectively by a co-ordinate Bench of this Court. It has further been submitted that the petitioners have got no criminal antecedent and petitioners no. 1 to 6 are behind the bars suffering incarceration since 31.08.2015 and petitioner no. 7 is suffering incarceration since 22.08.2015 and their custodial interrogation is not warranted as the police have already completed investigation and submitted their report under Section 173(2) of the Code of Criminal Procedure in the Court.

Learned counsel for the informant has vehemently opposed the application for grant of bail of the petitioners. He has contended that though the other co-accused persons have been granted bail, there is omnibus and general allegation that all the accused persons assaulted the informant's husband as a result of which he succumbed after more than two months.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioners above named are directed to be released on bail on furnishing bail bond of

Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Motihari, East Champaran in connection with Muffasil (Lakhaura) P. S. Case No. 436 of 2014, subject to the following conditions:-

- (a) The petitioners shall not influence the witnesses or tamper with any document;
- (b) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (c) The petitioners shall not do any act prejudicial to the interest of the prosecution;
- (d) The petitioners shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court;
- (e) The petitioners shall abide by the above conditions scrupulously and in case of violation of any of the conditions, the



prosecution would be at liberty to move this Court for cancellation of bail.

- (f) One of the sureties must be a Government servant/elected people’s representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J.)

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