

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53667 of 2015

Arising Out of Motipur PS.Case No. -129 Year- 2014 Thana -MOTIPUR District- MUZAFFARPUR

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Bisu Sahni @ Bishu Sahni, son of Bachchan Sahni, resident of Village -
Kodaria, P.S. - Siwaipatti, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar, Advocate.

For the Opposite Party : Mr. Anil Kr.Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 08-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Motipur
P.S. Case No. 129 of 2014 (S.T. No. 739 of 2014) registered for
the offences punishable under Sections 302 and 201/34 of the
Indian Penal Code.

Allegedly, the petitioner and co-accused Rakesh
Sahni called Manoj Kumar, the brother of informant and took
away. Thereafter Rakesh Sahni again came to search Manoj
Kumar and thereafter the brother of informant did not return and
the mother of the informant found the petitioner and other co-
accused taking bath in the night, which gave suspicion that they
might have killed and thereafter they were taking bath. In the

morning Manoj Kumar was found hanged with a tree. It is alleged that Manoj Kumar was having love affair with Saraswati Kumari, the sister of petitioner.

Submission is of false implication and besides suspicion, there is nothing against the petitioner, there is no eyewitness of the occurrence, other co-accused Rakesh Sahni has been allowed pre arrest bail vide Cr. Misc. No. 57281 of 2015, other co-accused Satan Sahni and Bachchan Sahni have also been allowed regular bail and the petitioner is suffering in custody since 16.05.2014, earlier the prayer of bail of the petitioner was rejected vide order dated 27.04.2015 at that stage but now charges have been framed and the trial is going on and the stage has been changed, the petitioner undertakes to cooperate during trial and will remain present physically.

The learned A.P.P. fairly submits that there is no eyewitness of the occurrence.

In the facts and circumstances stated above, considering the detention of the petitioner and further that there is nothing on record to suggest that the petitioner after release will tamper the prosecution evidence and as such the petitioner, above named is directed to be enlarged on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount

each to the satisfaction of learned 10th Additional Sessions Judge, Muzaffarpur, in connection with Motipur P.S. Case No.129 of 2014 (S.T. No. 739 of 2014), subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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