

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36412 of 2016

Arising Out of PS.Case No. -27 Year- 2014 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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1. Raj Kumar Sahani son of Dwarika Sahani
2. Mohar Lal Sahani son of Dwarika Sahani
3. Sumitra Devi @ Sunanina Devi wife of Raj Kumar Sahani
4. Saheb Sahani son of Raj Kumar Sahani All residents of Village- Puraina,
P.S.- Dumariaghat, District- East Champaran, Motihari.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 23-11-2016 After some argument, learned counsel for the

petitioners seeks permission to withdraw the petition with regard
to petitioner nos.1 and 4, namely, Raj Kumar Sahani and Saheb
Sahani.

2. As prayed, this application is permitted to be
withdrawn and dismissed as against petitioner nos.1 and 4.

3. Heard learned counsel for the remaining
petitioners and learned APP for the State.

4. Learned counsel for the petitioners submits that the
petitioner nos.2 and 3 have been falsely implicated and after
investigation of the case, the police has submitted final form
finding the case to be false against the petitioners. Differing with
the investigation, the Court, has however, taken cognizance under

Section 306 of the Indian Penal Code against the petitioners. The petitioners claim clean antecedent.

5. Having regard to the entirety of the facts and circumstances of the case, as such, in the event of the arrest or surrender before the court below within six weeks from the date of communication of this order, let petitioner no.2, Mohar Lal Sahani be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariaghat P.S. Case No.27 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions :-

(i) That one of the bailors shall be a close relative of the petitioner no.2.

(ii) That the petitioner no.2 shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner no.2 shall remain present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. So far as petitioner no.3, namely, Sumitra Devi @ Sunanina Devi is concerned, the provisional bail granted to the

petitioner no.3 by order dated 16.09.2016 pending in the court of learned Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariaghat P.S. Case No.27 of 2014 is hereby confirmed.

(Vikash Jain, J)

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