

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15581 of 2016

Arising Out of PS.Case No. -69 Year- 2015 Thana -CHATOUNI District-
EASTCHAMPARAN(MOTIHARI)

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1. Rajan Sahani Son of Ram Raj Sahani, Resident of village- Raghunathpur,
P.S.- Turkaulia, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Ranjan

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-06-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Trial No.
702 of 2015 arising out of Chhatauni P.S. Case No. 69 of 2015
registered for the offences punishable under Sections 307 and
326/34 of the Indian Penal Code and Section 27 of the Arms Act
and further Section 302 IPC has also been added.

First Information Report is against un-known person
with allegation that Ajay Kumar Yadav, the owner of Krishna Gas
Agency, Chhatauni was shot by un-known miscreants and later on
Ajay Kumar Yadav died. The name of the petitioner transpired in
the confessional statement of co-accused Sudama Sahani, Ravi

Kumar Sahani and Krishna Yadav.

Submission is of false implication and at the relevant point of time, he was in custody and he has been remanded in this case on 11.05.2015 and since then he is in custody, there is no eye witness of the alleged occurrence, confessional statement made before the police has got no evidentiary value in the eye of law and co-accused Ravi Kumar Sahani has already been allowed bail vide Cri. Misc. No. 49681 of 2015 by another co-ordinate Bench of this Court.

The learned APP opposes the prayer of bail by submitting that prayer of bail of co-accused Sudama Sahani has been rejected vide Cri. Misc. No. 45459 of 2015 and the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, considering that besides confessional statement of co-accused and criminal antecedent of petitioner, there is no tangible material against him and further co-accused Ravi Kumar Sahani has already been allowed bail and, as such, the petitioner, above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class Sadar, Motihari (East Champaran) in Trial No. 702 of 2015

arising out of Chhatauni P.S. Case No. 69 of 2015 subject to the 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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