

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44684 of 2016

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

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1. Sudama Sahani Son of Lalbabu Sahani Resident of Village- Raghunath
Pur, P.S.- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 29-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.04.2015 in connection with Sessions Trial No. 192/2016,
arising out of Chhatauni P.S. Case No. 69 of 2015 for offences
punishable under Sections 307, 326, 34 of the Indian Penal Code
and 27 of the Arms Act and subsequently Section 302 of the
Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is
that while he and Ajay Kumar Yadav were returning from Krishna
Gas Agency, Chhatauni, Ajay Kumar Yadav was shot by unknown
criminals and later he succumbed to the injuries during course of
treatment.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and it is only on the basis of his extra-judicial confessional statement before the police, which has no evidentiary value in the eye of law, he has been made accused. He submits that other co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 16514 of 2016 on 28.06.2016 and also other co-accused, whose name surfaced during investigation, have been granted privilege of bail. He further submits that the trial is going on day-to-day basis and he undertakes to cooperate in trial.

However, learned APP for the State submits that on the earlier occasion a report was called for from the Superintendent of Police, East Champaran at Motihari as to the stage of trial and the number of witnesses examined.

As report has come from the Superintendent of Police, East Champaran at Motihari vide letter No. 1251 dated 08.08.2017 that altogether eight witnesses have been examined out of 11 witnesses and trial is going on by the learned court below.

Considering the facts and circumstances and the materials on record and that other co-accused have been granted privilege of bail, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two



sureties of the like amount each to the satisfaction of Sri Manish Kumar, learned Judicial Magistrate Sadar, Motihari, East Champaran, in connection with Sessions Trial No. 192/2016, arising out of Chhatauni P.S. Case No. 69 of 2015, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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