

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21125 of 2018

Arising Out of PS.Case No. -634 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Mithun Sahani Son of Umesh Sahani, resident of Village Bhadash, Police
Station Mufassil, District- Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Ravish,
Mr. Jai Kishor Poddar, Advocates

For the Opposite Party: Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 28.10.2017 in connection with S. T. No. 44 of 2018 arising out of Khagaria (Mufassil) P.S. Case No. 634 of 2016 for the offences alleged under Sections 302, 201 and 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated as he is not named in the first information report. His name has transpired on the confessional statement of co-accused Sujay Singh and except such statement, there is no other material to connect the petitioner with the alleged offence. It is further submitted that the case of the petitioner stands on better footing than that of FIR named co-accused persons Balbir Sahni @ Karelal Sahni and Sikandar Sahni, who have been granted bail by coordinate Bench of this Court vide Cr. Misc. No. 2712 of 2018 and Cr. Misc. No. 3595 of 2018 respectively.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named



be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned District Judge, Khagaria in connection with S. T. No. 44 of 2018 arising out of Khagaria (Mufassil) P.S. Case No. 634 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically 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.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

B.T/Chandran

(Vikash Jain, J)

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