

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17828 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Surendra Sahani son of Bikram Sahani resident of village Majharia P.S.
Malahi, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha, Advocate

For the Opposite Party/s : Mr. Sri Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 03-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code later on Section 302 IPC has been added.

It is submitted by the petitioner's counsel that the informant in his reinstatement has not named the petitioner. Though the detailed description of assault by giving Farsa blow is attributed to the petitioner on the head of the deceased but the postmortem report has not find any injury on the head.

Counsel for the informant has appeared and opposed the prayer for bail of the petitioner. He has submitted that the postmortem report is unreliable and there is dying declaration of the victim.



This Court finds that under similar circumstances, the prayer for bail of the co-accused Shrawan Sahni and Vikarma Sahni have been allowed in Cr. Misc. No. 10172 of 2018. Petitioner is in jail custody since 23.12.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, East Champaran at Motihari** in connection with **Paharpur (Malahi) P.S. Case No. 177 of 2017** subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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