

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56486 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Dular Sahani, Son of Late Bijali Sahani, Resident of Village- Katganwa,
P.S.- Adapur, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-01-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

This is the second round of litigation. Earlier the bail application of the petitioner was rejected by order dated 13.07.2017 passed in Cr. Misc. No. 23456 of 2017. Petitioner, who is languishing in judicial custody since 22.12.2016, seeks bail in connection with Turkauliya (Banjariya) P.S. Case No. 198 of 2016 registered for the offences punishable under Sections 364A and 120B/34 of the Indian Penal Code.

The prosecution case, as lodged by the uncle of the victim boy, Aditya Kumar @ Khushal, is that the victim boy has been kidnapped for ransom by co-accused Bhulan Chaudhary, Hariom Kumar , Sikandar Sah and another unknown person.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and till now charges have not been framed and he is languishing in judicial custody in the present case for more than a year. He submits that all the three accused named in the FIR have since been granted privilege of bail by coordinate Benches of this Court.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and is made accused in seven more cases earlier, some of similar nature and some of more serious nature and the victim boy was recovered from the house of the petitioner.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 198 of 2016, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating their relationship with the petitioner.

(2) The 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.

(3) The petitioner will appear before the concerned police station in the first week of every month for six months and failure to appear will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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