

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71573 of 2018

Arising Out of PS. Case No.-185 Year-2016 Thana- PARBATTa District- Khagaria

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Bikash Kumar @ Bikash Sahni Son of Fuldeo Sahni, Resident of Village-
Kulhariya, P.S. Parbatta. District Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vindhya Keshari Kumar, Sr. Advocate

Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 02-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail twice in Cr.
Misc. No. 41727 of 2017 which was rejected vide order dated
12.10.2017 and in Cr. Misc. No. 30499 of 2018 which was
rejected on 18.07.2018.

Petitioner is languishing in judicial custody since
16.06.2017 in connection with S.C. No. 389 of 2016/290 of
2017 arising out of Parbatta P.S. Case No. 185 of 2016 for



offences punishable under Sections 302/34 of Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is that while her husband Sudhir Sahni (deceased) was returning to the house at 9 p.m. at the night, the petitioner along with four others surrounded him. Allegation upon the petitioner and one Rabin Sahani is that they fired from close range on the husband of the informant which hit the deceased on his temporal region while the three other co-accused tried to escape with the dead body in the motorcycle but with the interference of local people they left the dead body and ran away. It is further alleged in the F.I.R. that the cause of dispute was that the petitioner had taken 17,000/- from the deceased and was not returning it which was the cause of the aforesaid occurrence.

It has been submitted by the learned counsel for the petitioner that the he is innocent and has been falsely implicated in the aforesaid case. He submits that there is no eye-witness to the alleged occurrence as the informant and the local villagers reached the place of occurrence after the incident and that all the other accused have been granted the privilege of bail by co-ordinate Benches of this Court. He submits that although there is allegation of firing by the petitioner and co-accused Rabin



Sahani but there is only one entry and exit wound of firing and it is not ascertainable as to whether it was the petitioner who had fired on the deceased. He submits that co-accused on similar allegation has been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 52188 of 2016 vide order dated 10.01.2017.

However, learned APP for the State opposes the prayer for bail stating therein that there was a motive behind the said incident and the petitioner has been named in the F.I.R.

Considering the facts and circumstances of the case and materials on record and that on similar allegation another co-accused has been granted the privilege of bail, let the 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 the learned Presiding Officer, F.T.C.I., Khagaria in connection with S.C. No. 389 of 2016/290 of 2017 arising out of Parbatta P.S. Case No. 185 of 2016, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his 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.

(Nilu Agrawal, J)

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