

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25906 of 2019

Arising Out of PS. Case No.-740 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Awadhesh Sahani @ Adesh Sahani aged about 45 years (male) Son of Jagdish Sahani, Resident of Village-Bhatanha, Police Station-Muffasil Motihari, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Anil Kumar, Advocate

For the Opposite Party : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 323, 307, 447, 504 and 302 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Muffasil Motihari P.S. Case No. 740 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the agnate of co-accused Govinda Sahani, against whom the thrust of accusation of firing on the deceased has been made. In any event, the accusation of assault against the petitioner and others with lathi and Danda is general and omnibus in nature.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East



Champaran, Motihari in connection with Muffasil Motihari P.S. Case No. 740 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further 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) That 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.

5. The provisional bail granted to the petitioner shall be confirmed upon verification of correctness of the petitioner's claim by learned court below that the cause of death of the deceased was as a result of firearm injury. In case the said claim is not found verifiable, the provisional bail shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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