

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52233 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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HEERA LAL SAHNI, aged about 35 years, Male, Son of Lakhan Sahni,
Resident of Village- Cheria Bariarpur, P.S.- Cheria Bariarpur, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha
For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 20-11-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 120(B)/34 of the Indian
Penal Code.

Informant in his written report has stated that on
23.01.2019 at about at 7 p.m. his brother Madan Kumar had
informed that Laxmi Sahani and Nunmani Ram told him to pay
ransom of Rs.50,000/-. On 25.01.2019 at about 6 p.m., when he
reached his house, his wife and his sister-in-law told that ten
minutes before about two named persons along with 7-8
unknown persons took Madan Kumar with them and, thereafter,
he along with other family members and neighbours started



searching his brother when he saw that Laxmi Sahani was assaulting his brother with iron rod and unknown persons had caught hold of his hands and legs of his brother. Nunmani Ram caught hold of his head and neck and he asked them to leave his brother upon which three persons standing there took out their pistol and threatened to kill and, thereafter, all accused fled away. While he was carrying his brother to hospital, he died in the way.

It has been submitted on behalf of the petitioner that he is not named in the F.I.R. and has falsely been implicated in this case. It has been submitted that name of the petitioner has surfaced in this case on the basis of statement made by one of the witnesses during investigation before police and except that, there is no any other incriminating material against the petitioner. Petitioner is accused in one arms case and he is in custody since 18.04.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Cheriya Bariarpur P.S. Case No. 18 of 2019 arising out of S.T. Case No.342 of 2019 /CIS



No.341/2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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