

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58411 of 2019

Arising Out of PS. Case No.-118 Year-2018 Thana- PAKRIDAYAL District- East Champaran

VIJAY SAHANI Son of Binda Sahani Resident of Village - Majhar, Godiya
Tola, P.S.- Pakridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 324, 326, 307, 379, 504/34 of the Indian Penal Code registered in connection with Pakridayal P.S. Case No. 118 of 2018, corresponding to G.R. Case No. 4225 of 2018.

3. It is submitted that the petitioner has been falsely implicated and there is delay in institution of the FIR on 29.06.2018 for the alleged occurrence of 25.06.2018. Other co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 64147 of 2018. The petitioner claims clean antecedents.

4. Learned APP submits that the case of the petitioner is distinct from other co-accused persons who have been granted anticipatory bail. The thrust of accusation of assault by *hurra of lathi* near the informant's left eye has been attributed to the petitioner and opinion of the injury has been kept reserved.



5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned ACJM -VI, East Champaran at Motihari in connection with Pakridayal P.S. Case No. 118 of 2018, corresponding to G.R. Case No. 4225 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following 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 co-operate 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.

(iv) 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.

6. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused by the informant near his left eye. In case grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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