

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77289 of 2019**

Arising Out of PS. Case No.-49 Year-2019 Thana- PIRI BAZAR District-
Lakhisarai

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TUNTUN SAHANI Son of Khudo Sahani @ Kuddo Sahani Resident of
Village - Maheshpur, P.S.- Piri Bazar, Distt - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-11-2019 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, 307, 504, 506/34 of the Indian
Penal Code and Section 27 of the Arms Act registered in
connection with Piri Bazar P.S. Case No. 49 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with firing upon the informant. It is
stated that according to the F.I.R. itself co-accused Manish Kumar
fired upon the informant which is said to have hit him above the
right ear. Admittedly, the alleged firing by the petitioner did not
hit the informant. It is submitted that the F.I.R. is vengeful as
regards the petitioner as he is a prosecution witness in Sessions
Trial No. 116 of 2016 instituted against the informant for killing
of the mother of co-accused Bikki Yadav. The petitioner claims
clean antecedents.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, lakhisarai in connection with Piri Bazar P.S. Case No. 49 of 2019, 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 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.

(iv) 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.

(Vikash Jain, J)

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