

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6532 of 2020**

Arising Out of PS. Case No.-143 Year-2019 Thana- UCHKAGAON District- Gopalganj

BULET SAHANI S/o Manoj Sahani R/o village- Jagdish Barari, P.S.-
Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Raghav Prasad, Advocate

For the Opposite Party/s : Mr Zainul Abedin, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Raghav Prasad, learned counsel for the petitioner as well as Mr Zainul Abedin, learned APP for the State.

Petitioner seeks bail in Uchkagaon Police Station (for brevity, *PS*) Case No 143 of 2019 instituted for the offence punishable under Sections 341, 323, 307, 302, 447, 504, 506/34



of Indian Penal Code (for brevity, *IPC*) and Section 27 of Arms Act.

The prosecution case is that the entire family members of the petitioner arrived at the door of the informant and called upon Shankar Sahani at 3 am in the morning. It is, thereafter, alleged that co-accused Amarjit Sahani shot upon the head of Shankar Sahani.

The petitioner's counsel submits that during the course of investigation, it has surfaced that the family members of the petitioner were participating in a *Barat* where over some dispute during the course of a dance show, Shankar Sahani was done to death. The petitioner, along with all members of his family, has been arrayed as accused due to extraneous considerations. Falsity of the allegation is evident from the fact that even the juvenile of the petitioner's family, Mukesh was made an accused. He has since been released. Other co-accused Sanjay Sahani and Ruman Sahani have also been allowed bail in Cr Misc No 86357 of 2019 and Cr Misc No 11160 of 2020 respectively. No assault has been attributed against the petitioner even in the Fardbayan and he is in custody since 02.12.2019.

The learned APP for the State opposed the prayer for



bail submitting that the petitioner is named in the First Information Report which alleges offence under Section 302 of IPC.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate (for brevity, *ACJM*) IX, Gopalganj in Uchkagaon PS Case No 143 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall



remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the Court of ACJM IX, Gopalganj and the competent authority of the State in terms of Clause (4) i of Notice II published in the cause list uploaded on the Website of this Court.

(Madhuresh Prasad, J)

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