

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28456 of 2020**

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

BIRESH SAHANI, aged about 28 years, S/o Lalan Sahani Resident of  
Village-Barari Jagdish, Police Station-Uchkagaon, District-Gopalganj  
... Petitioner

Versus

The State of Bihar

... ... Opposite Party

**Appearance :**

For the Petitioner : Mr. Raghav Prasad, Advocate  
For the Opposite Party : Mr. Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-11-2020                      Heard learned counsel for the petitioner and the State  
through Video Conferencing.

The petitioner seeks bail in a case registered for the  
offence punishable under sections 307/302 and other ancillary  
sections of the Indian Penal Code and section 27 of the Arms  
Act.

Petitioner along with other accused persons went to  
the house of the informant. On the other of accused Manoj  
Sahni to kill Shankar Sahni, accused persons started abusing the  
latter. Meanwhile, petitioner pushed him (Shankar Sahni) on the  
ground and sat on his chest. Thereafter, co-accused Amarjit  
Sahni fired on his forehead. When his brother Santosh Sahni  
came in rescue, he was also assaulted by the accused persons by  
lathi, danda, rod, etc. Shankar Sahni was brought to the hospital



where the doctors declared him dead.

Learned counsel for the petitioner submits that the allegation of firing on the head of the deceased is against Indrajit Sahni. Besides, for the firing made by co-accused Indrajit Sahni, all the members of the petitioner have falsely been made accused in the instant case, though in the post mortem report the doctor found only one wound of entry on the head of the deceased. Several similarly situated co-accused persons have already been allowed bail by different co-ordinate benches of this Court as detailed in paragraph 12 of the bail petition. The petitioner has got no criminal antecedent and he is in custody since 16.12.2019.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate IX, Gopalganj in Uchkagaon Police Station Case No. 143 of 2019 on the following conditions:-

(1) 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



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

**(Prabhat Kumar Singh, J)**

Shashi

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