

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75168 of 2019

Arising Out of PS. Case No.-247 Year-2019 Thana- HARSIDHI District- East Champaran

Harilal Sahani, Son of Hira Sahani Resident of Village - Sonbarsha , P.S.-
Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No. 2
For the Opposite Party/s : Mr. J.N. Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsels for the petitioner and the State.

The petitioner, who is languishing in custody since 19.07.2019, has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 302 and 201/34 of the IPC.

The prosecution case, as per the written report of Dhani Lal Prasad, submitted to the SHO, Harsidhi Police Station is to the effect that on 16.07.2019 at about 4 P.M., the father of the informant went to fix the sound box in a programme of Shiv Charcha and thereafter he went missing. Subsequently, the motorcycle of the father of the informant was



found parked near the house of the petitioner and his dead body was recovered on 18.07.2019.

It is submitted by learned counsel for the petitioner that the accusation is based on suspicion and there is no eye-witness to the alleged occurrence. Moreover, similarly situated co-accused Akhilesh Sahni has been granted bail by a Co-ordinate bench of this Court, vide Cr. Misc. No. 16114 of 2020 and co-accused Sangeeta Devi has been granted bail by a Co-ordinate bench of this Court, vide Cr. Misc. No. 75008 of 2019. A statement has been made in paragraph no. 3 of the petition that the petitioner is accused in two other cases, in which he is on bail, though, statement to that effect has not been made in the petition. It is further submitted that the investigation has already been concluded and the petitioner is languishing in custody since 19.07.2019. It is further submitted that the son of the petitioner had enticed away the niece of the informant and they performed marriage, for which, a case was lodged against the petitioner, hence, in that background, the petitioner has maliciously been roped in the present case.

Learned APP submits that though the accusation is based on suspicion, but the motorcycle of the father of the informant was found parked in front of the house of the



petitioner.

Considering the suspicious nature of accusation, similarly situated co-accused persons being granted bail by different Co-ordinate benches of this Court, period under custody and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned C.J.M., Motihari East Champaran in connection with Harsidhi P.S. Case No. 247 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned C.J.M., Motihari East Champaran in connection with Harsidhi



P.S. Case No. 247 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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