

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19576 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- CHACKMEHSI District- Samastipur

Subesh Sahni @ Subesh Kumar @ Suvesh Kumar @ Suvesh Kumar Sahni,
Son of Bishwanath Sahni, Resident of Village - Kalaujar Akaune, Ward No.
11, P.S.- Chakmehasi, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Apurva Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.
For the Informant : Mr. Mahendra Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Chakmehasi P.S. Case No. 140 of 2020 registered for the offence punishable under Sections 364, 302/34 of the Indian Penal Code. He is in custody since 10.07.2020. Petitioner has no criminal antecedent.

As per the prosecution story, on 03.07.2020 at about 8.00 P.M. the five named accused persons in the F.I.R. came at the residence of the informant and asked her son to come with them. It is



claimed that the son of the informant accompanied those persons and went away with them. The co-accused Suman Chaudhary was the pillion rider on the motorcycle of the son of the informant. It is alleged that when the son of the informant did not return, the informant tried to find out the whereabouts of her son by calling on the mobile number of co-accused Suman Chaudhary who sometimes said that he was at Darbhanga but at some other calls he said that he was at Madhubani. The informant further having apprehended that some thing wrong has happened with her son lodged the F.I.R. on 05.07.2020.

Learned counsel for the petitioner submits that the F.I.R. itself has been lodged after the dead body of the son of the informant was found and on mere suspicion the name of five persons have been introduced in the F.I.R. It is his further submission that in any case it was co-accused Suman Chaudhary who was sitting on the motorcycle of the son of the informant and the informant was trying to know the whereabouts of her son from said Suman Chaudhary.

Learned counsel further submits that in course of investigation no material at all has been collected showing complicity of this petitioner in the alleged occurrence.

Learned counsel for the informant as well as Mr. Akhileshwar Dayal, learned A.P.P. for the State have though opposed the prayer for regular bail of the petitioner but both of them have categorically accepted at the Bar that no specific role has been



assigned to this petitioner and in the case diary no material has come against him.

Considering the facts and circumstances of the case, in the nature of the materials placed before this Court which have been noticed hereinabove, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in connection with Chakmehasi P.S. Case No. 140 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

