

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35756 of 2021

Arising Out of PS. Case No.-386 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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Bablu Kumar Sahani @ Sadhu Sahani Son of Nandu Sahani Resident of
Village - Majhariya, P.S. - Pipra Kothi, District - East Champaran, Motihari.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 14-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Muffasil P.S. Case No.
386 of 2020, registered for the offence under Sections 302, 379,
34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on the alleged date of
occurrence, co-accused Raj Pandey alongwith four unknown
were assaulting the nephew of informant on the point of pistol
and thereafter, when the informant tried to rescue his nephew,
co-accused Raj Pandey fired at him (informant's nephew). The
nephew of the informant was taken to hospital, but the doctor
declared him dead.

Petitioner is not named in the FIR. Petitioner has been
remanded in this case from another case i.e. Muffasil P.S. Case



No. 407 of 2020 on the basis of his self-confessional statement. Save & except confessional statement, there is no other cogent evidence against this petitioner to show his complicity in the aforesaid occurrence. Petitioner is in custody since 17.12.2020. Investigation is complete.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Muffasil P.S. Case No. 386 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.)

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