

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39747 of 2020

Arising Out of PS. Case No.-425 Year-2020 Thana- TURKAULIYA District- East
Champaran

=====

OMPRAKASH SAHANI Son of Ashok Sahani Resident of Village -
Chilwania, P.S.- Banjariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of normal functioning of
the court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in a case initially registered
for the offence punishable under Sections 324, 326, 307/34 of
the Indian Penal Code. Later on Section 302 of the Indian Penal
Code was added.

Prosecution case as lodged by the informant is that



while the informant's brother was sitting at his shop, having received a phone call, he went outside the shop and started conversation standing a few yards away from the shop. After some time, the accused persons having armed in their hands, shot fire upon the informant's brother as a result of which, he sustained fire-arm injury and in course of treatment, he died.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that charge-sheet has been submitted and there is no allegation of tampering of witnesses against the petitioner. He submits that there is specific allegation upon co-accused Rajan Sahani who is said to have fired upon the deceased. He submits that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 34709 of 2020 on 19.01.2021. He further submits that petitioner bears no criminal antecedent as stated in para-3 of the bail application and he is languishing in judicial custody since 05.07.2020.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail **after verification of his criminal antecedent** on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Motihari, East Champaran in connection with
Turkauliya (Banjariya) Police Station Case No. 425 of 2020.

(Anjani Kumar Sharan, J)

devendra/-

U		T	
---	--	---	--

