

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2256 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Feku Sahani aged about 35years, (Male) son of late Bhikhar Sahani, Resident of village- Chhit Bhagwatipur, Chandwara Police Station Ahlyapur District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Pankaj Kumar Singh Advocate
For the State : Mr. Narsingh Tanti APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 12-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

3. Heard learned counsel for the petitioner and learned counsel for the State.

4. The petitioner seeks bail in Ahlyapur PS Case No. 282 of 2020, instituted for the offence under Sections 363 and 365/34 of the Indian Penal Code. Later on, Sections 364,302 and 201 of the Indian Penal Code has been added.

5. The informant's son was sleeping when it is alleged that the instant petitioner made a telephonic call on his mobile and asked him to come over. The victim thereafter has not returned and, in the circumstances, victim's mother has



lodged the instant case alleging that the victim has been done to death by the petitioner along with other co-accused persons.

6. The learned counsel for the petitioner, referring to the FIR, submits that from the same, it is evident that after calling the victim, the petitioner was still at his home as the informant has stated about going to the petitioner's house to verify why he has not returned. This clearly indicates *bona fide* of the petitioner. Even as per the prosecution case, specific allegation along with motive, based on subsisting dispute, since before, is against other co-accused persons, including the Lalu Sahani @ Lal Babu Sahani who has since been allowed bail in Cr. Misc. no. 2873 of 2021. Having no criminal antecedent, the petitioner is in custody, under such circumstances, since 26.6.2020 which has wrongly been typed as 05.11.2020 due to inadvertence in paragraph no. 17 of the bail application.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, 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 the learned **CJM Muzaffarpur**, in connection with **Ahiyapur PS Case No. 282 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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