

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4562 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- MAIRWAN District- Siwan

1. SANDEEP CHAUHAN Son of Ramachij Chauhan Resident of Village - Imlauli, P.S.- Mairwa, Distt.- Siwan.
2. Pradeep @ Sharwan Son of Harendra Chauhan Resident of Village - Imlauli, P.S.- Mairwa, Distt.- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Ms. Suman Kumari Singh, APP
For the Informant	:	M/s Shiv Sagar Sharma, Tirpit Kumar, Nagendra Kumar, Advocates

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned Counsel for the informant as well as learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Mairwa PS Case No. 126 of 2020 Sessions Trial No. 167 of 2020 registered under Sections 302, 201, 120(B)/34 of the IPC.

The informant has alleged that his son has been taken away by one Dhananjay Sahni and about half an hour later his dead body was thrown in the field, having sharp cut injury on the neck.

Learned Counsel for the petitioners submits that he has no concern with co-accused Dhananjay Sahni. There is no eye



witness to the occurrence. The occurrence has taken place on 27.4.2020 and the case has been lodged on 28.4.2020. Co-accused Dhananjay Sahni in his statement has falsely implicated the petitioners in his exculpatory statement that the petitioners and one Munna Mian caught hold of the victim while he was done to death. Co-accused Munna Mian has been granted bail in Cr. Misc. No. 38144 of 2020. The petitioner is in custody since 30.4.2020 and he has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge IV, Siwan in Mairwa PS Case No. 126 of 2020 Sessions Trial No. 167 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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