

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5881 of 2021**

Arising Out of PS. Case No.-688 Year-2019 Thana- TURKAULIYA District- East
Champaran

GAJENDRA SAHANI S/o Late Sundar Sahani Resident of Village- Jhakhiya,
P.S.- Banjaria, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Sunil Kr No III, Bijendra Kr, Advocates
For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 25-06-2021 This case has been taken up for consideration today
through Video Conferencing.

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

The petitioner seeks bail in Turkauliya (Banjariya) Police
Station (for brevity, *PS*) Case No 688 of 2019 instituted for the
offence punishable under Section 394 of Indian Penal Code and
Section 27 of Arms Act.

Prosecution case alleges that when the informant and his
Sarhu were on way to home, they were stopped by three
miscreants and were assaulted. One person fired upon the
informant which hit on his neck and he became unconscious.

It has been submitted by the petitioner's counsel that the



petitioner has been remanded in this case from another case. The details of the cases against the petitioner have been mentioned in paragraph 3 of the petition which shows that out of four cases, he has been granted bail in three cases and has been acquitted in one case. It is further submitted that the petitioner has not been named in the First Information Report and his implication in this case is only on the basis of confession of co-accused. There is no recovery from the petitioner and he has also not been put on Test Identification Parade. He is in custody since 08.07.2020.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) PS Case No 688 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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