

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6201 of 2021**

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

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YOGENDRA SAHANI @ JOGINDRA SAHANI SON OF LATE MOTILAL
SAHANI RESIDENT OF VILLAGE- IMLAULI, P.O.- KABIRPUR,
POLICE STATION- MAIRWA, DISTRICT- SIWAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Shiv Sager Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, counsel for the informant and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 167 of 2020 arising out of Mairwa P.S. Case No. 126 of 2020 for the offences registered under Section 302, 201, 120(B), 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the FIR co-accused Dhananjay Shahni has taken away the son of the informant and thereafter the dead body of son of the informant was found lying in the field, Dhananjay Shahni had made confessional

statement and on the said basis the axe (kulhadi) which was used allegedly in the killing of the son of the informant has been recovered. Learned counsel submits that this petitioner has got land dispute with said Dhananjay Shahni and for the said reason the name of the petitioner has been taken by co-accused Dhananjay Shahni. The petitioner is in custody in connection with this case since 28.6.2020, investigation against him is complete and he has otherwise no criminal antecedent. Co-accused Munna Miya, Sandeep Chauhan and Pradeep @ Shravan have been granted bail by learned coordinate Benches of this Court.

Mr. Akhileshwar Dayal, learned APP for the State has gone through the case diary and submits that the specific allegation is against co-accused Dhananjay Sahani and not against this petitioner.

In the circumstances stated above, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Siwan in connection with Sessions Trial No. 167 of 2020 arising out of Mairwa P.S. Case No. 126 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.