

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7339 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- SUGAULI District- East Champaran

MUNIF SAHANI @ MANIB SAHNI @ MANISH SAHANI SON OF
RAJESHWAR SAHANI @ RAJESH SAHANI R/O VILLAGE-
DHANKHARIYA, P.S- HARSIDDHI, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Asif Kalim, Advocate

For the Opposite Party/s : Mr Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-07-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.

The petitioner seeks bail in Sugauli Police Station
(for brevity, *PS*) Case No 178 of 2020 instituted for the offence
punishable under Sections 302, 201, 120B of Indian Penal Code.

The informant has alleged that his mother was having
illicit relation with one Rajeswar Sahani @ Rajesh Sahani. For
the last about six months, he has no information regarding
whereabouts of his father Rajendra Sahni. On 22.02.2020,
Rajeshwar Sahni, his son-in-law and his three sons including the



petitioner came by car and have forcibly taken away his mother.

Learned counsel for the petitioner submits that the case is palpably false. For six months, Rajendra Sahni is said to be missing but the informant or anyone else from the family has not lodged any complaint in this regard. The First Information Report has been lodged on 21.03.2020 nearly a month after the mother of the informant was taken away on 22.02.2020. Merely suspicion has been cast regarding killing of the informant's father by the petitioner, his brothers, brother-in-law and father. Dead body has never been recovered. In fact, no killing has taken place. Informant, realizing his mistake, has filed a petition compromising the case (Annexure 2) wherein he has stated that the case was lodged under misconception. The petitioner has no criminal antecedent, as per statement made in the petition and he is in custody since 29.06.2020.

Learned APP appearing for the State of Bihar has 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 Sugauli PS Case



No 178 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.

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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