

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9242 of 2021

Arising Out of PS. Case No.-99 Year-2018 Thana- TAJPUR District- Samastipur

MUKESH SAHNI S/o Dharmdev Sahni, R/o Village- Gunai Bashi, P.S.-
Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 307, 323, 324, 326, 341,
504/34 of the Indian Penal Code and Section 27 of the Arms Act
and subsequently Section 302 of the IPC was added.

Prosecution case as per FIR, Chinta Sahani submitted
to SHO, Tazpur is to the effect that on 06.04.2018 at 3.00 A.M.,
the son of the informant Vakil Sahani was taken by co-accused
Bhikhari Rai and Sonu Rai alongwith 4-5 persons in the car of
Bhikhari Rai. On the same day at about 10.00 A.M., the



informant came to know that her son has been shot dead and his dead body has been thrown underneath the 13 no. bridge, which has been taken by the police.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. There is no specific overt act against the petitioner. The petitioner is languishing in judicial custody since 24.08.2020. The petitioner has got 03 criminal antecedents which is mentioned in para 3 of the bail petition. The co-accused have been granted bail by the Co-ordinate Benches of this Court vide order dated 25.01.2019 passed in Cr. Misc. No.73674/2018 and order dated 01.04.2019 passed in Cr. Misc. No.15229/2019.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Tajpur P.S. Case No. 99/2018 to the satisfaction of learned Court below where the case is pending; subject to the following conditions:



(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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