

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9046 of 2021**

Arising Out of PS. Case No.-312 Year-2020 Thana- TAJPUR District- Samastipur

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SURAJ SAHNI @ SURAJ SAHANI Son of RAGHUNAH SAHANI
Resident of Village - Mirjapur, P.s.- Tajpur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar, Advocate
For the Opposite Party/s : Mr Rajendra Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 09-07-2021 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*) for the
State.

The petitioner seeks bail in Tajpur Police Station
(for brevity, *PS*) Case No 312 of 2020 instituted for the offence
punishable under Sections 302/34 of Indian Penal Code.

Informant has alleged that accused Manish Sahni
@ Monil Sahni and Ramesh Sahni came to her house and took
away her husband on a motorcycle. When he did not return
back till late in the night, then she went to the house of Manish
Sahni and got no satisfactory reply. Sometime later, dead body



of the informant's husband was found lying in the paddy field of one Jeevan Sahni. Informant had stated that the petitioner, Ram Dhani Sahni and Raghunath Sahni, with 3 to 4 unknown persons, have earlier threatened the informant's husband alleging that he was informing the police about the illicit liquor trade being carried on by the accused persons.

Learned counsel for the petitioner submits that the petitioner has been implicated merely on suspicion. There is no antecedent of the petitioner and, therefore, the informant's allegation, that he was indulging in illicit liquor trade, is unfounded. The deceased was taken away by Manish Sahni @ Monil Sahni and Ramesh Sahni and there is no allegation that he was taken away forcibly. Even in course of investigation, as per the case diary, considered in the order of rejection by the learned Court below, it has come that blood-stained iron rod, napkin and blood-stained soil were seized from the house of co-accused Manish Sahni. Against the petitioner, no evidence has come in the case diary and under such circumstances, he continues to be in custody since 20.08.2020.

Learned APP 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 Additional Chief Judicial Magistrate I, Samastipur in connection with Tajpur PS Case No 312 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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