

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10794 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- PAROO District- Muzaffarpur

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BHIKHARI SAHNI @ BHIKHARI SAHANI S/O Late Mahadev Sahan
Resident Of Village - Shahpur Patti, P. S. - Sahebganj, Dist. Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Paroo P.S. Case No. 304 of 2020 registered for the offences punishable under Section 363, 365/34 of the Indian Penal Code. Later on Section 302, 201 of the I.P.C. was added. Petitioner is in custody since 03.06.2020.

As per the prosecution story, the co-accused Baliram Sahni and Boli Sahni had taken away the son of the informant whereafter the son of the informant did not return. Later on his dead body was recovered.

Learned counsel for the petitioner submits that this petitioner is not named in the First Information Report. The co-accused Baliram Sahni and Boli Sahni have allegedly disclosed

the name of the petitioner in their confessional statement which has been extracted in police custody. The dead body has not been recovered on the basis of the confessional statement.

Learned counsel further submits that from the F.I.R. itself it is clear that after the son of the informant was taken away by Baliram Sahni and Boli Sahni, they returned in the mid night on a Car which was seen by the informant but even at this stage the informant has not named this petitioner, this petitioner was not seen accompanying those two accused.

Learned counsel further submits that petitioner has no criminal antecedent and he has been implicated on mere suspicion.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but accepts that save and except the confessional statement of the co-accused and that of the present petitioner extracted in police custody no other incriminating material has been found in course of investigation against the petitioner.

Considering the facts and circumstances of the case, in the nature of the materials placed before this Court and that the petitioner has remained in custody for over one year, investigation against him is complete, but the trial is not likely

to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, West Muzaffarpur, in connection with Paroo P.S. Case No. 304/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.