

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5067 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- MADHUBAN District- East Champaran

1. DWARIKA SAHNI @ DWARIKA KUMAR SON OF BABU LAL SAHNI
RESIDENT OF VILLAGE- GADAHAIYA, P.S.- MADHUBAN, DISTRICT-
EAST CHAMPARAN
2. SUNIL KUMAR SON OF BABU LAL SAHNI RESIDENT OF VILLAGE-
GADAHAIYA, P.S.- MADHUBAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5895 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- MADHUBAN District- East Champaran

SURESH SAHANI Son of Late Saruf Sahani Resident of Village - Garahiya,
P.S. - Madhuban, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35144 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- MADHUBAN District- East Champaran

BIJILI RAY @ BIJALI RAY SON OF LATE BATAHU RAY R/O- VILL-
GADAHAIYA,P.O.- MEHSI, P.S.- MEHSI, DIST.- EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5067 of 2022)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 5895 of 2022)

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP



(In CRIMINAL MISCELLANEOUS No. 35144 of 2022)

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-10-2022

CRIMINAL MISCELLANEOUS No.5067 of 2022

Heard learned counsel for the petitioner and learned APP for the State.

The Investigating Officer of the case in compliance of the order dated 12.10.2022 is present physically in the Court.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the accused persons, including the petitioners, were on good terms with her son (deceased) as they never had any dispute in the past, it is next alleged that on 04.09.2021 at 8:00 PM, the deceased got a call from Manoj Sahni and on his asking, the deceased left the house saying that he will return within half an hour but did not return and on search and inquiry, the dead body of the deceased was found. It is next alleged that all the above-named accused persons, including the petitioners and some unidentified accused were seen taking the victim, hence based on suspicion, it is alleged that the accused persons



might have committed the occurrence.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that informant is not an eye-witness to the occurrence nor any motive or reason has been assigned for committing the occurrence, it is also submitted that the informant herself in the FIR has stated that the deceased was on good terms with the accused persons, including the petitioners and never had any dispute in the past, but still on the basis of suspicion, she has alleged that it were the accused persons, including the petitioners, who might have committed the occurrence.

Learned A.P.P., Chandra Bhushan Prasad for the State was assisted by the Investigation Officer of the case, the learned APP for the State submits that from perusal of the FIR it would manifest that one Manoj Shahni had given a call to the son of the informant based on which he left the house saying that he will come after half an hour, it is next submitted that in the case there are two Manoj Shahni, the Manoj Shahni named in the FIR is a co-villager of the informant and another Manoj Shahni is the brother-in-law of Dwarika Shahni and is not named in the FIR. The learned APP for the State next submits that Manoj



Shahni, who is named in the FIR, was arrested and he in his confessional statement stated that the deceased was having illicit relationship with the daughter of Dwarika Shahni, accordingly Dwarika Shahni hatched a conspiracy and got the deceased killed, in which he was helped by Manoj Shahni, Bhagwanlal Shahni and Shiv Shahni (named in the FIR). The learned APP for the State very fairly submits that Manoj Shahni in his confessional statement has not attributed any role to Sunil Kumar, Suresh Shahni and Bijili Ray.

Considering the submissions made by the parties, the petitioner no.2, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 293 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

As far as prayer for anticipatory bail of petitioner no.1 'Dwarika Shahni' is concerned, the Court is not inclined to extend the privilege of anticipatory bail to him.

The personal appearance of the Investigating Officer



of the case is dispensed with.

CRIMINAL MISCELLANEOUS No. 5895 of 2022

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and relies on the order dated 17.10.2022 in Cr. Misc. No. 5067 of 2022 (Dwarika Shahni @ Dwarika Kumar vs. State of Bihar) and submits that in the said order it is clearly recorded that Manoj Shahni, who is named in the FIR in his confessional statement, has not taken the name of the petitioner.

Learned A.P.P. for the State very fairly submits that Manoj Shahni in his confessional statement has not taken the name of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 293 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 35144 of 2022

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and relies on the order dated 17.10.2022 in Cr. Misc. No. 5067 of 2022 (Dwarika Shahni @ Dwarika Kumar vs. State of Bihar) and submits that in the said order it is clearly recorded that Manoj Shahni, who is named in the FIR in his confessional statement, has not taken the name of the petitioner.

Learned A.P.P. for the State very fairly submits that Manoj Shahni in his confessional statement has not taken the name of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madhuban P.S. Case No. 293 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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