

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9319 of 2022

Arising Out of PS. Case No.-108 Year-2021 Thana- HARSIDHI District- East Champaran

Shera Sahani @ Sachin Sahani @ Sheera Sahani @ Sahain Sahani, S/O Raj Kishor Sahni, R/o village- Damo Virti, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Harsidhi P.S. Case No. 108 of 2021 registered
for the alleged offences under Sections 302 and 34 of the Indian
Penal Code and under Section 27 of the Arms Act.

As per prosecution case, F.I.R. named co-accused
persons came to the shop of the husband of the informant and
they fired upon him causing his death at the spot. The
occurrence took place in the background of earlier dispute of co-
accused Surendra Singh and others with the husband of the

informant. The name of the petitioner transpired during investigation as one of the accused persons involved in this case.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was named in this case in the confessional statement of co-accused Jitendra Kumar. There is specific allegation of use of fire arm against co-accused Surendra Singh. The petitioner is not named in the F.I.R. and nothing incriminating has been recovered from his possession or at his instance. Co-accused Chandan Sahni has been granted bail by a Coordinate Bench vide order dated 05.04.2022 passed in Cr. Misc. No. 5653 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 25.11.2021. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner came up in the confessional statement of co-accused.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioner with the offences as alleged and also considering the submission of

charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Mothihari in connection with Harsidhi P.S. Case No. 108 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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