

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12428 of 2022**

Arising Out of PS. Case No.-314 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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UMA SHANKAR SAHNI Son of Adalat Sahni Resident of Village- Bara
Baisahan, P.S.- Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjana Srivastava
For the Opposite Party/s	:	Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2022 Heard learned counsel appearing on behalf of the pe-
titioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 314 of 2021 registered for the offence under Sec-
tion 147/148/149/341/323/324/325/307/302/120(B) of the In-
dian Penal Code, Section 25(1-b)a, 26, 27 and 35 of the Arms
Act and Section 3/4 of the Explosive Substance Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 04.10.2021

The allegation against the petitioner is to commit mur-
der of nephew of the informant along with other co-accused per-



son for previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that nothing incriminating surfaced during course of investigation in furtherance of confessional statement of the co-accused, namely, Genalal Sahani, to connect the petitioner with present set of occurrence. It is also submitted that if the version of FIR is accepting on its face, specific allegation is against the co-accused, namely, Baleshwar Sahani and Anil Kushwaha, as regard to firing, causing death. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, Sri Dharmesh Kumar Srivastava, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered/surfaced, which may connect the petitioner, *prima-facie*, with the present set of occurrence in furtherance of confessional statement of co-accused coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is di-



rected to be released on bail in connection with Muffasil P.S.
Case No. 314 of 2021 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned C.J.M., Motihari, East Cham-
paran/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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