

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23419 of 2021

Arising Out of PS. Case No.-113 Year-2018 Thana- BIBHUTIPUR District- Samastipur

Dukhi Sahani @ Dukhit Sahani Son Of Late Ghutak Sahni R/O Village-
Belsandi Dih, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy, Adv

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Bibhutipur P.S.Case No. 113 of 2018 registered for the offence under Sections 302/34 of the Indian Penal Code.

The prosecution case in short is that one Ramo Devi made her statement before the police officer of Bibhutipur P.S., alleging therein that on 01.05.2018 her husband Lakhan Sahani @ Lakhani alongwith Dukhi Sahani and Rajesh Sahani went for drink toddy by motorcycle and her husband got a Nokia Mobile and Cash Rs.4000/- and on the same day at about 10.00 P.M. in



the night he returned and slept on a Chowki. It has further been stated that in the next morning when he woke up and wandering from outside the door then fell down on the ground and later on Birju Sahani and Ranjeet Sahani took away to her husband Lakhan Sahani for treatment, but in the way he died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR itself that there is no specific allegation against the petitioner and the informant is not an eye witness of the occurrence as alleged in the FIR. He further submits that co-accused, namely, Rajesh Sahni has been granted bail by a Coordinate Bench of this Court vide order dated 15.11.2021 in Cr.Misc. No.21272 of 2021. Petitioner is in custody since 14.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Rosera, Samastipur in connection



with Bibhutipur P.S.Case No. 113 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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