

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31499 of 2021**

Arising Out of PS. Case No.-630 Year-2019 Thana- MINAPUR District- Muzaffarpur

MUKESH SAHNI S/O RAM LAL SAHNI R/o village- Talimpur, P.S.-
Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 04-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 10.10.2020, seeks
regular bail in connection with Minapur P.S. Case No. 630 of
2019 registered for offences punishable under Section 302,
120B/34 of the Indian Penal Code.

Prosecution case, in brief, is that one Geeta Devi, who
is the wife of the deceased alleged that her husband proceeded
for Patna on 25.12.2019 but did not return. On search some
villagers informed that the deceased was seen along with
Ramashish Manjhi, who has left the deceased at the house of the
petitioner. It has further been alleged that on the basis of search



made by the sniffer dog of the Police Department certain incriminating articles such as blood stained lungi as well as other clothes were recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that petitioner is quite innocent and has falsely been implicated in the present case. Petitioner is not named in the F.I.R. and his named transpired in the course of investigation. He further submits that petitioner is in custody since 10.10.2020 having no criminal antecedent and one co-accused namely, Bhan Jee from whose possession the blood stained lungi was recovered has already been granted bail vide order dated 08.12.2021 passed in Cr. Misc. No. 27436 of 2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that in paragraph nos. 65, 66, 67 and 68 of the case diary, independent witnesses have stated that the petitioner used to sale illicit liquor to which deceased used to protest. There is possibility that petitioner has committed the murder of the deceased (Maheshwar Sahni) along with other co-accused and as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case as well as in want of any specific



allegation against the present petitioner that he committed the murder nor there is any eye witness only minuscule evidence has emerged against the petitioner in course of investigation and there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to Covid-19 pandemic, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-X, Muzaffarpur in connection with Minapur P.S. Case No. 630 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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