

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27640 of 2022

Arising Out of PS. Case No.-364 Year-2019 Thana- PAKRIDAYAL District- East Champaran

Awadhesh Sahani, S/o Ramjanam Sahani Resident of Village - Koral, P.S. -
Pakridayal, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

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

The petitioner is in judicial custody in connection
with Sessions Trial No.307 of 2022 arising out of Pakridayal
P.S. Case No.364/2019 instituted under Sections 363, 365 and
34,302 of the IPC.

As per the allegation in the FIR, the named accused
on 16.11.2019 took the informant's husband to the field for
tilling of the land, but thereafter she didn't have any information
about him and she lodged the FIR alleging that there was a
money related issue with Ram Janam Sahni and Raja Ram Sahni
and they may be reason behind his disappearance and/or killing.

Learned counsel for the petitioner submits that save



and except that fact that his name has cropped up to be accompanying Ram Janam Sahni and Raja Ram Sahni. The allegation has been made against those two persons with whom he had issue relating to money transaction. He further submits the said co-accused Raja Ram Sahni has since been released on bail vide Cr. Misc. No.9955 of 2021 on 13.07.2021 by a co-ordinate Bench of this Court.

Taking into account the aforesaid facts that the allegation made against Ram Janam Sahni and Raja Ram Sahni one of whom has been granted bail, he is in custody since 28.11.2021 (as stated in para-1 of the bail application) and has no criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sessions Trial No.307 of 2022 arising out of Pakridayal P.S. Case No.364/2019 to the satisfaction of learned Additional Sessions Judge, XIIIth, East Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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