

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28617 of 2022

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

Kailu Tanti @ Kailash Kumar S/o Bisho Tanti R/o village- Ramtola Kothia,
P.S.- Muffasil Khagaria, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 365, 367, 120(B) of the
Indian Penal Code and subsequently added Section 302 of the
Indian Penal Code.

According to prosecution case, in brief, that the
informant namely, Kedar Sahni in his written petition alleging
therein that on 30.05.2021 his son Ashok Sahni @ Mumma
Sahni and one Bablu Sahni went to see Bhima Jalkar. When
they were returning from there then on the way near the house
of Sikdandar Sahni, Ramtol Kothiya , accused persons namely
Balbir Kumar and Dharmveer Kumar along with fifteen



unknown persons surrounded them and started to assault them and kidnapped them. When informant came to know about the incident he along with co-villagers searched both of them and found Bablu Sahni from Railway bridge near Bhadas Village and accused persons had kidnapped Ashok Sahni with intention to kill him. Later on Bablu Sahni told that when he was returning with Ashok Sahni then at Dhala one white colour vehicle was standing on the middle of the road and 12-15 persons were also standing and they all have kidnapped Ashok Sahni under conspiracy with intention to kill him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that in fact the petitioner was only a member of mob and there is no specific allegation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Shyama Devi and Mamta Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 02.09.2021 passed in Cr. Misc. No. 44234 of 2021 and another co-accused namely Ajay Sah has been granted bail by a co-ordinate Bench of this Court vide



order dated 10.03.2022 passed in Cr. Misc. No. 59737 of 2021.

The petitioner is in custody since 01.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Khagaria (Muffasil) P.S. Case No. 423 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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