

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43267 of 2021**

Arising Out of PS. Case No.-627 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

GORAKH KUMAR SAHANI @ GORAKH SAHANI S/O LATE
BASISHTHA SAHANI RESIDENT OF VILLAGE-ISMAILPUR, P.S-
HAJIPUR SADAR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Ajay Kumar No. 2

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

3 09-03-2022 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 11.11.2020, seeks
regular bail in connection with Hajipur Sadar P.S. Case No. 627
of 2020 registered for offences punishable under Sections 394
and 302/34 of the Indian Penal Code.

Prosecution case, in brief, is that while his mother had
gone to clean the shop found that his father was lying dead and
his body was found tied with rope. The death had occurred in
the night of 11.10.2020 and the F.I.R. was lodged on
12.10.2020. The police inspected the CCTV camera near the



shop of the deceased installed near the petrol pump from which it appeared that four unidentified accused persons had entered into shop of the father of the informant.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. The petitioner also runs shop next to the shop of the deceased and his name has been surfaced in the present case on the basis of confessional statement of co-accused persons. All the accused persons with an intention to loot the shop of the deceased have committed the murder of the deceased. Such confessional statement is of no evidentiary value. There is no eye witness in the present case and one co-accused namely, Prakash Kumar has already been enlarged on bail vide order dated 22.02.2022 passed in Cr. Misc. No. 28259 of 2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. She submits that petitioner is the main conspirator and has played major role in commission of murder of the father of the informant. In several paragraphs of the case diary, all the accused persons have admitted the complicity of the present petitioner in committing the murder of the father of the informant and as such petitioner is not liable to be released on bail.



Having considered the rival submission of the parties as well as material available on record, it transpires from the case diary that petitioner is running shop adjacent to the shop of the deceased. The confessional statement of the co-accused persons has no evidentiary value and the same has been taken in police custody. Till date no T.I.P. has been done. F.I.R. is against unknown person. Prima facie petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be released 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 627 of 2020 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.

(iv) If the petitioner is found involved in similar



nature of offence, after his release on bail, the trial Court shall
take steps to cancel his bail bond.

(Purnendu Singh, J)

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