

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36698 of 2022**

Arising Out of PS. Case No.-314 Year-2021 Thana- MOTIHARI MUFASIL District- East  
Champaran

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Genalal Sahani Son of Kodai Sahani Resident Of Village- Akauna, P.S.-  
Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate  
For the State : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      17-11-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
  
of four weeks from today.

The petitioner seeks bail in connection with Motihari  
  
Mufassil P.S. Case No. 314 of 2021 registered for the offence  
  
under Sections 147, 148, 149, 341, 323, 342, 324, 325, 307, 302  
  
and 120B of the Indian Penal Code, Sections 25(1-b)a, 26, 27  
  
and 35 of the Arms Act and Section ¾ of the Exclusive  
  
Substances Act.

The accused/petitioner is not named in the F.I.R. and  
  
is in custody since 31.07.2021.

The allegation against the petitioner is to commit



murder of nephew of the informant, alongwith other co-accused persons, for previous enmity, arises out of local political differences.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced in this case on the basis of confessional statement of Hari Om Sahani and Lalbabu Sahani and also on the basis of self confession, where in furtherance thereof, nothing incriminating surfaced/recovered to connect this petitioner with the present occurrence. It is also submitted that if the version of F.I.R. is taken to be true, on its face, then the specific allegation is available against co-accused persons, namely, Baleshwar Sahani and Anil Kushwaha, as regard to firing and causing death of nephew of the informant. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered to connect



this petitioner with the present occurrence in the background, where petitioner is not named in the F.I.R. coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motihari Mufassil P.S. Case No. 314 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

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