

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47558 of 2021

Arising Out of PS. Case No.-425 Year-2020 Thana- TURKAULIYA District- East Cham-
paran

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Laxmi Sahani S/o Prabhu Sahani R/o village- Chilwaniya, P.S.- Banjaria, Dis-
trict- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate.

Mr. Prateek Tandon, Advocate.

For the Opposite Party/s: Mr. Rajendra Prasad Nat, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 23-08-2022 Heard Mr. Rajesh Kumar Singh, learned senior
counsel along with Mr. Prateek Tandon, learned counsel
appearing on behalf of the petitioner and Mr. Rajendra Prasad
Nat, learned A.P.P. for the State.

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

3. The petitioner seeks regular bail in connection with
Turkauliya (Banjariya) P.S. Case No. 425 of 2020 for the
offences punishable under Sections 324, 326 and 307/34 of the
Indian Penal Code and Section 27 of the Arms Act. Later on, on
death of the deceased Chhabila Singh @ Kunwar Singh, Section
302 IPC was added.

4. The prosecution case, in brief, is that the informant



who is the brother of the deceased gave written information before the S.H.O., Turkauliya P.S. on 03.07.2020 that on 01.07.2020, six accused persons came near his shop armed with fire arm in which three named accused fired upon his brother Chhabila Singh @ Kunwar Singh who was available at his shop at that time. The bullet shot of the petitioner hit the body of the victim and thereafter the victim was taken to the hospital for treatment and in course of treatment, the brother of the informant died at Vinayak Palika Hospital, Patna on 26.07.2020. Postmortem of the dead body was conducted on 26.07.2020 at Sadar Hospital, Motihari, East Champaran. Post mortem reveals the cause of injury due to fire arm and the cause of death due to severe septicemia leading to septicemic shock.

5. Mr. Rajesh Kumar Singh, learned senior counsel assisted by Mr. Prateek Tandon appearing on behalf of the petitioner submits that from the perusal of the allegations made in the F.I.R., no overt act of firing is attributed to the present petitioner. The allegation of firing is against three named accused. In course of investigation only minuscule evidence has been gathered against the petitioner. Independent witnesses have also not made specific allegation of murder against the petitioner. Charge sheet has already been submitted. Similarly



situated co-accused who have also been made accused for similar allegation have already been released on bail by different co-ordinate Benches of this Court and in this regard orders granting bail have been brought on record vide Annexure-2 series. Petitioner is in custody since 08.12.2020.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has submitted that the complicity of the petitioner in the murder of the brother of the informant cannot be denied. It would not be in the interest of justice to release the petitioner on bail.

7. Having considered the rival submissions of the parties, taking into account the fact that there is no allegation of any overt act of firing against the petitioner and the allegation of firing is specific against three named accused in the F.I.R., chargesheet has already been submitted and there is no chance of the trial being concluded in near future. The petitioner is in custody since 08.12.2020 and similarly situated co-accused have been granted bail by different co-ordinate Benches of this Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East



Champaran at Motihari in connection with Turkauliya (Banjaria) P.S. Case No. 425 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 bonds.

(v) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

8. In case of breach of any of the conditions, the trial court will have liberty to take steps to send the petitioner to jail. In addition, it is further made clear that if the informant receives



any fresh threat from the petitioner or from his supporters, he is free to inform the trial court and in such event, the trial court is free to take proper step in accordance with law.

9. Superintendent of Police, East Champaran is directed to produce all the prosecution witnesses on the date fixed by the trial court without fail.

10. Accordingly, with the above observation, the present bail application stands disposed of.

(Purnendu Singh, J)

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