

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50799 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- HATHAURI District- Muzaffarpur

Dinesh Sahni S/O Late Ganesh Sahni R/O Village-Narkatiya, P.S-Hathauri,
District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Adv

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 120(B)/34 of the Indian Penal Code.

Informant Kailash Sahni has alleged in his written application that on 18.04.2021 at about 08.00 P.M., two unknown persons took his nephew Dhiraj Kumar by motorbike from his mobile shop situated at Narkatiya Chauk for participating in a birthday party. On the next day i.e. 19.04.2021 at about 01.30 P.M., informant got information about dead body



of Dhiraj Kumar lying near a Puliya and thereafter, he reached there. In the meantime, police of Hathauri P.S. also reached. The informant further alleged that above two unknown by hatching conspiracy with some others killed his nephew by pointed weapon.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has transpired only on the basis of the mobile No., which shows that the petitioner and the deceased had talked several times. He further submits that except the aforesaid mobile, nothing has come, during investigation, against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Hathauri P.S. Case



No.99 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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