

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42551 of 2022

Arising Out of PS. Case No.-289 Year-2021 Thana- CHHATAUNI District- East Champaran

Deepak Sahani Son of Tulsi Sahani, Resident of Village- Bhataha, P.S.
Muffasil, Motihari, District - East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chhatauni P.S. Case No. 289 of 2021 lodged under Sections
302, 201, 120-B and 34 of the I.P.C.

As per the allegations made in the F.I.R. that
petitioner along with 7 named and 3-4 unknown persons have
initially kidnapped Informant's son and subsequently his dead
body was recovered.

Learned counsel for the petitioner submits that from
the content of the F.I.R., there is no specific allegation against
the present petitioner and he was only being a member of mob

alleged to kidnap the informant's son and in the F.I.R. itself the informant has made the different circumstances in which suspicion of higher degree has been raised against the accused persons and not against the present petitioner. Learned counsel further submits that the petitioner has made accused in this case on 16.07.2021 but thereafter police remanded him in two cases and in one case he was granted anticipatory bail and in rest one case he is persuading for bail. Learned counsel also submits that the other similarly situated co-accused persons have already been granted bail by the Co-ordinate Bench of this Court vide orders dated 08.08.2022 and 27.09.2022 passed in Cr. Misc. Nos. 24886 of 2022 and 21037 of 2022 and Cr. Misc. No. 9858 of 2022 analogous with three cases arising from the same P.S.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Sadar, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 289 of 2021, subject to the conditions as laid down

under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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