

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56902 of 2021

Arising Out of PS. Case No.-228 Year-2021 Thana- SUGAULI District- East Champaran

Mukurdhum Sahani, S/O Jangbahadur Sahani, Resident Of Village- Ward No.
12 Mehwa Chhapra Bahas, P.S. Sugauli, District- East Champaran, Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Akhileshwar Dayal, learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Sugauli P.S. Case No. 228 of 2021 registered
for the offences punishable under Sections 147, 148, 149, 341,
323, 302, 504 and 506 of the Indian Penal Code. He is in
custody since 10.06.2021 having no criminal antecedent as
stated in paragraph '3' of the application.

As per the prosecution story, the informant has
alleged that she was living in the house of her father and her
mother Reeta Devi had left the house two years ago and
performed marriage with one Ganesh Sahni and was living with
him. The informant went to the shop of P.D.S. dealer and after



taking ration from the P.D.S. shop, while she was returning home, in the meantime, all the accused persons surrounded them and assaulted her and her family members. The father of the informant was brutally assaulted after pressing his mouth as a result of which he died on the spot.

Learned counsel for the petitioner submits that there is general and omnibus kind of allegations against the petitioner, no specific role has been assigned to him with regard to the alleged occurrence and he is in custody in connection with this case since 10.06.2021.

Learned counsel for the informant has opposed the prayer for bail of the petitioner. It is submitted that this petitioner is said to be one of the persons who was present with Ganesh Sahni and had surrounded the father of the informant.

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

Having regard to the submission that there is general and omnibus kind of allegations against the petitioner, the specific case of the informant is to the effect that Ganesh Sahni was pressing the mouth of the deceased and the inquest report is showing cause of death due to asphyxia, so far as this petitioner is concerned, since no specific role has been assigned to him, he



has no criminal antecedent and has remained in custody in connection with this case since 10.06.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Sugauli P.S. Case No. 228 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

