

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45088 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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NANDAN SAHANI @ NANDAN KUMAR SAHANI son of Bir Bahadur
Sahani Resident of Village - Badkurawa, P.S. Kota, District - East
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Muffasil Motihari P.S. Case No. 273 of 2021 registered for the

offences punishable under Sections 384, 387, 120B and 506 of

the Indian Penal Code.

As per prosecution case, on 27.05.2021 at about

3.44 PM a call from mobile no. 8091490769 came and

demanded 5 lacs as a ransom from the informant and if the

ransom was not tendered the informant was threatened to be

murdered.



Learned counsel for the petitioner submits that petitioner is not named in the FIR. His name has been transpired in the case upon the confessional statement of co-accused Overseer Sahani as the petitioner has inimical term with the said co-accused. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 31.01.2022 and upon the confessional statement of co-accused the petitioner has been remanded in four cases in which he is on bail in three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that caller demanded 5 lakh rupee as a ransom and disclosed his name as Rahul Sahani. Petitioner is not concern with the mobile phone from which the money has been demanded from informant. He further submits that petitioner has neither made call from the mobile number given in the FIR or other mobile number nor participated in any manner in the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. He further submits that there is no specific overt-act against the petitioner. Learned counsel for the petitioner further submits that petitioner has not



committed any offence of similar nature prior to the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 in connection with Muffasil Motihari P.S. Case No. 273 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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