

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45484 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- CHIRAIYA District- East Champaran

Harendra Sahani Son of Late Raghunath Sahani R/v- Lalbegiya, P.s- Chiraiya,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 153 of 2022 registered for the offence under
Sections 302 and 120B of the Indian Penal Code and Section 27
of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.04.2022

The allegation against the petitioner is to commit
murder of brother of the informant, alongwith other co-accused



persons by causing fire arm injury, due to previous enmity.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Baleshwar Sahani, where nothing incriminating surfaced/recovered during the course of investigation, which may connect the petitioner, *prima facie*, with the present set of occurrence/murder. It is further submitted that petitioner was not named in the F.I.R., even one informatory petition u/s 39 of the Cr.P.C. was filed before learned Chief Judicial Magistrate, East Champaran, Motihari against this petitioner by the deceased (brother of the informant). It is pointed out that petitioner is involved in one more criminal case, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as petitioner is not named in the F.I.R., being known to the informant as a resident of same village, where informant is



the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya P.S. Case No. 153 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Motihari, East Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Animesh Kumar, who is the son of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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