

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56921 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- CHIRAIYA District- East Champaran

Birbal Sahani, Son of Rudal Sahani, R/O Village- Godiya, P.S.- Shikarganj,
District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in connection with Chiraiya (Shikarganj) P.S. Case No. 185 of 2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379 and 504 of the Indian Penal Code.

As per prosecution case, it is alleged that on 08.07.2021 altogether 18 accused persons including this petitioner surrounded the informant and started abusing, which was protested by them, upon which this petitioner ordered the accused persons to kill the brother of the informant, upon which



Kameshwar Sahani and Sunil Sahani assaulted the brother of the informant with knife. It is further alleged that other accused persons also snatched Golden chain and cash. The reason for the said occurrence is said to be a dispute with regard to execution of sale deed.

It is submitted on behalf of the learned counsel for the petitioner that there is no specific allegation against this petitioner and at best he can be said to be an order giver. He further submits that there is general and omnibus allegation and no overt act has been attributed against this petitioner. The petitioner is in custody since 13.07.2021.

In para. 3 of the petition, the petitioner has been found to be accused in two other cases. However it is submitted on behalf of the learned counsel for the petitioner that in both the cases, the petitioner is on bail and the same are of the year 1995 and 2001. It is next submitted that now the investigation has already concluded and charge-sheet has also been submitted in this case.

On the other hand, learned APP for the State submits that the petitioner is the order giver.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is no



allegation of any overt act against this petitioner and he is in custody since 13.07.2021 and the fact that investigation has already been concluded, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Sikarhana at Dhaka in connection with Chiraiya P.S. Case No. 185 of 2021 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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