

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57061 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- DERNI BAZAR District- Saran

Chandeshwar Sahani, Son of Deo Nandan Sahani, Resident of Village-
Badhichak, Police Station- Maker, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Mukesh Kumar Singh, learned counsel for
the petitioner and Mr. Mukeshwar Dayal, learned APP for the
State.

The application for grant of bail to the petitioner, who
is in custody in connection with Derni P.S. Case No. 99 of 2021
registered for the offences punishable under Sections 302/34 of
the Indian Penal Code, Section 27 of the Arms Act and Section
17 of the Criminal Law Amendment Act.

As per prosecution case, it is alleged that on
25.06.2021 at about 07:00 am, while the father of the informant
was sitting in his brick-kiln, in the meantime, three unknown



person came on a motorcycle and started abusing the deceased and also threatened him as to why not he is paying Rangdari to the miscreants. Thereafter, one of them shot fire upon the father of the informant, due to which he succumbed to the injury.

Learned counsel for the petitioner submits that from the F.I.R. it is evident that the informant is not an eyewitness to the alleged occurrence and the F.I.R. has been instituted against three unknown persons. During investigation, it appears from the case diary that the name of the petitioner surfaced on the disclosure made by one spy of the police, who disclosed that the petitioner and other accused persons are active members of “Maoist” Party and they are indulged in such type of crime. He next submits that save and except the disclosure made by the spy, there is no material showing the complicity of the petitioner in the present crime, save and except his past criminal antecedent. It is also submitted that neither any incriminating material has been recovered from his person or possession nor he has been put on test identification parade and moreover he is in custody since 29.06.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in ten other cases, besides the present one.



In response to the aforesaid submission, learned counsel for the petitioner submits that all the cases are of in between 2009 to 2014 and in all the cases, the petitioner is on bail and in one case he has been acquitted.

Having regard to the submissions made on behalf of the parties and considering the fact that the F.I.R. has been instituted against unknown persons and no material has come during the course of investigation, save and except the disclosure made by the spy that too only to the extent that sometime the petitioner was an active member of the “Maoist” Party, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, Saran in connection with Derni P.S. Case No. 99 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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