

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62553 of 2021

Arising Out of PS. Case No.-126 Year-2019 Thana- BACHHWARA District- Begusarai

GOPAL SAHNI Son of Late Lakhan Sahni Resident of Village - Rasidpur,
P.S.- Bachhwara, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Adv

For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, in short, is that on 05.07.2019 at about 11.00 P.M. Usha Devi the mother of the informant Sanjeev Sahni and Suman Devi the wife of the informant were sleeping at his Dera. Informant awoke hearing the sound of his mother and saw Shrawan Kumar and wife of Manoj Sah named (not known), Bhushan Mahto and Suresh Sah and 3 to 4 unknown persons were beating brutally to his mother by brick



and rod on her head and mouth, as a result of which his mother sustained grievous injury. On hulla raised by the informant, the accused persons fled away. Thereafter the informant brought her to Primary Health Center Dalsingsarai there during treatment she died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. In fact the petitioner is not named in the FIR. He further submits that the name of the petitioner has come during investigation on the basis of the supervision report of the Dy.S.P. He further submits that during investigation nothing has come against the petitioner and the petitioner is husband of the deceased. Only on basis of the suspicion, the name of the petitioner has come in the supervision report of the Dy.S.P. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 09.02.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bachhwara Police Station Case No.126 of 2019, with the following conditions:-

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

(2) 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.

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.

(Rajesh Kumar Verma, J)

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