

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64124 of 2021

Arising Out of PS. Case No.-364 Year-2019 Thana- PAKRIDAYAL District- East Champaran

RAMJANAM SAHANI @ RAMJANM SAHANI S/O LATE MANGAL
SAHANI R/o village- Koral, P.S.- Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 24-08-2022 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
Pakaridayal P.S. Case No. 364 of 2019 registered for the
offences punishable under Sections 363, 365, 34 of the Indian
Penal Code subsequently added Section 302 of the Indian Penal
Code.

As per prosecution case, it is stated by informant
that on 16.11.2019 at about 05:00 PM five named accused
persons including present petitioner and two unidentified person
took her husband on pretext of irrigating their field. Thereafter
her husband did not return. It is stated that there has been



ongoing dispute between her husband and present petitioner Ramjanam Sahani for which her husband had been threatened by present petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 09.05.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has falsely been implicated in this case. There is no eye witness to the occurrence. There is no evidence or material to show the complicity of the petitioner in the alleged occurrence. In the postmortem report the cause of death is stated to be asphyxia due to drowning. Co-accused Rajaram Sahani has already been granted bail vide Cr. Misc. No. 9955 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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 as well as period of custody is more than 1 year, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence,



keeping in view clean antecedent of the petitioner 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, East Champaran at Motihari in connection with Pakaridayal P.S. Case No. 364 of 2019, 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)

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