

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67097 of 2021

Arising Out of PS. Case No.-423 Year-2021 Thana- KHAGARIA District- Khagaria

1. Bikash Sahni @ Bikas Sahni, S/O Fuldeo Sahni Resident Of Village- Kulharia, P.S.- Parbatta, District- Khagaria.
2. Gautam Tiwari @ Gautam Sahni, S/O Ashok Tiwari @ Ashok Chaurasia Resident Of Village- Kulharia, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma- Advocate Mr. Anil Prasad Singh
For the State	:	Mr. Md. Matloob Rab
For the Informant	:	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-04-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 365, 367, 120(B) of the Indian Penal Code read with Section 302 of the I.P.C.

The learned counsel for the petitioners submits that the petitioner no.1 is in custody since 06.07.2021 and petitioner no.2 is in custody since 15.07.2021, charge-sheet has been submitted in this case against them and both the petitioners have antecedents of three cases.

The learned counsel for the petitioners further submits that the informant alleges that his son (deceased) and Bablu



Sahni was abducted by the named accused persons along with 15 unknown persons. It is further alleged that on search, Bablu Sahni was found, who disclosed the name of the accused persons, who abducted the son of the informant. It is further alleged that the dead body of the deceased was recovered.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. They are not named in the F.I.R. The petitioners were arrested merely based on suspicion as co-accused Balbir Sahni had talked on a mobile number, which is alleged to have been used by the petitioners. The learned counsel submits that number on which Balbir Sahni had talked, does not belong to the petitioners and it is also submitted that even Balbir Sahni had not disclosed the name of these petitioners. It is further submitted that based on suspicion, the petitioners were arrested and was made to confess his participation in the present occurrence.

The learned counsel for the petitioners submits that co-accused Sikandar Sahni, Shyama Devi, Mamta Devi and Ajay Sah have been granted bail by order dated 03.03.2022 in Cr. Misc. No.51778 of 2021, by order dated 02.09.2021 in Cr. Misc. No.44234 of 2021 and by order dated 10.03.2022 in Cr.



Misc. No.59737 of 2021 respectively.

Learned A.P.P. opposes the bail application and submits that the name of these petitioners transpired as Balbir Sahni had talked on a mobile number which is alleged to have been used by the petitioners, but they are not able to meet the submission of the learned counsel for the petitioners that the mobile does not belong to the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in this case against them and are not named in the F.I.R. and the co-accused have been granted bail, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No.236 of 2021 arising out of Khagaria (Muffasil) P. S. Case No. 423 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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