

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2341 of 2023

Arising Out of PS. Case No.-421 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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NAWAL SAHANI @ NAWAL KUMAR Son of Ravindra Sahni Resident of
Village- Sangrampur Bariaria, P.S.- Sangrampur, District- East Champaran
(wrongly written in the impugned order as present petitioner is a resident of
Village- Kothiya, P.S.- Madhuban)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 2556 of 2023

Arising Out of PS. Case No.-421 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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JYALAL SAHNI @ JAILAL SAHANI SON OF BHAIRO SAHNI R/O
VILL.- NAWADA, P.S.- GOVINDGANJ, DISTT.- EAST CHAMPARAN
(WRONGLY WRITTEN IN THE IMPUGNED ORDER AS PRESENT
PETITIONER IS A R/O VILL.- KOTHIYA, P.S.- MADHUBANI)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 2341 of 2023)

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

(In CRIMINAL MISCELLANEOUS No. 2556 of 2023)

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

Petitioners seeks bail in a case registered for the

offences punishable under Sections 364, 365 and 34 of the



Indian Penal Code.

According to prosecution case, there is allegation against the petitioners that they took away the brother of the informant with themselves but the brother of the informant did not return and when the informant made query about his brother, the petitioners did not give any satisfactory reply.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to previous dispute. He further submits that the petitioner no.1 namely, Nawal Sahani @ Nawal Kumar has clean antecedent and the petitioner no.2 namely, Jiyalal Sahni @ Jailal Sahani carries one antecedent other than the present one. He further submits that the victim was missing from 08.08.2022 but the present F.I.R. was instituted on 15.08.2022, after delay of about seven days without giving any explanation of delay and the present F.I.R. was instituted after thought to falsely implicate the petitioners in the present case. He further submits that it appears from the F.I.R. that the informant is not an eyewitness of the alleged occurrence and on the basis of telephonic call received from the petitioner no.1 Nawal Sahani, the brother of the informant is missing. He further submits that it appears from the CDR report that the petitioners have not called the victim.



He further submits that it has come during investigation in paragraph-85 of the case diary that due to some personal reason, the victim has disappeared himself from the house. He further submits that no other cogent material has come during investigation against the petitioners to connect the involvement of these petitioners. He further submits that it has also come during investigation that the victim was working in the garage of Manjay Sharma in Nepal and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that the victim is still traceless and the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Govindganj P.S. Case No. 421 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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