

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12173 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- CHIRAIYA District- East Champaran

1. BINESH SAHANI S/o Banwari Sahani Resident of Village- Akauna, P.S.- Chirraiya, District- East Champaran.
2. Amerika Sahani @ Amiraka Sahni S/o Jugal Sahani Resident of Village- Akauna, P.S.- Chirraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 12-04-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Vide order dated 03.04.2023 the bail application of the petitioner no.1, namely, Binesh Sahani has already withdrawn.

Petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni seeks bail, who is in custody since 29.08.2021 in connection with Chiraiya P.S. Case No. 246 of 2021, F.I.R. dated 28.08.2021 for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code



and Section 27 of the Arms Act.

Allegation against the petitioner No.2, namely, Amerika Sahani grabbed the informant's mother-in-law Budhiya Devi and the petitioner No.1, namely, Binesh Sahani opened firing from country made pistol, which hit in her back bone and lastly, informant's mother-in-law Budhia Devi died.

Learned counsel for the petitioner No.2, submits that the petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused namely, Vinay Sahani and there is general and omnibus allegation against the petitioner no.2, namely, Amerika Sahani @ Amiraka Sahni and not even a single independent witness has come forward to support the case of prosecution and due to admitted land dispute the present occurrence took place. He further submits that recently the charge has been framed against the petitioner no.2 namely, Amerika Sahani on 02.02.2023 and the petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni is in judicial custody since 29.08.2021.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State



have vehemently opposed the prayer for bail of the petitioner no.2 namely, Amerika Sahani @ Amiraka Sahni.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner No.2 namely, Amerika Sahani @ Amiraka Sahni, 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 the learned Additional Chief Judicial Magistrate, Sikaharna at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 246 of 2021, subject to the following conditions:-

1. Petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni tampers 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 petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni and in case at any stage it is found that the petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner No.2, namely, Amerika Sahani @ Amiraka Sahni. 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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