

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14145 of 2023

Arising Out of PS. Case No.-376 Year-2020 Thana- KESARIA District- East Champaran

SHAMBHU SAHNI @ SHAMBHU NARAYAN SAHNI Son of Ram Ekbal
Sahni @ Ekbal Sahni R/V- Dhekha Ward no. 9, P.S- Keshariya Dist- Motihari
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Keshariya
P.S. Case No. 376 of 2020 registered for the offence under
Sections 147, 148, 149, 341, 342, 323, 324, 302, 504 and 506 of
the Indian Penal Code.

The petitioner along with his companions are alleged
to have assaulted the father of the informant by means of iron rod
and dagger causing him deadly injury due to which he died
during course of treatment.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that it
appears from the F.I.R that the petitioner is said to be the order



giver only and no specific allegation of assault and any overt act is attribute to him rather there is general and omnibus allegation is leveled against the petitioner. He further submits that the co-accused, Ram Ekbal Sahani has inflicted dagger blow in the stomach of the father of the informant. He further submits that the police after investigation has submitted charge-sheet under Section 304 of the Indian Penal Code but the learned C.J.M., Motihari took cognizance in this case differing with the police report under Sections 147, 148, 149, 341, 342, 323, 324, 302, 504 and 506 of the Indian Penal Code despite the fact that the petitioner has not played any pivotal role in the alleged occurrence nor any substantive material is available on record against the petitioner. The petitioner is rotting in judicial custody since 12.12.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Keshariya P.S. Case No. 376 of 2020 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 canceled 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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