

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19962 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- CHIRAIYA District- East Champaran

GAURISHANKER SAHANI @ GAURI SAHANI Son of Late Janki Sahani
R/V- Lalbegiya Ghat, P.S- Chiraiya Dist- 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. Raj Ballabh Singh, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Advocate
		Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with learned counsel for the
informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

4. The informant alleges that five persons came on two motorcycles and fired at his brother who died, further Baleshwar Sahani was identified.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is



next submitted that petitioner is not named in the F.I.R., when the informant has specifically alleged that one Baleshwar Sahani was identified. It is further submitted that the said Baleshwar Sahani was arrested and his confessional statement was recorded, but in his confessional statement also, the name of the petitioner did not figure. It is further submitted that petitioner came to be implicated based on a letter recovered subsequent to the death of the deceased wherein it is alleged that the deceased had recorded that petitioner along with other were conspiring to kill him. It is next submitted that it absolutely does not stand to reason that if the petitioner along with other were conspiring to kill the deceased why he did not disclose the said fact to the informant or to the police or to any of his family members, rather recorded in a letter and concealed the same which got recovered after his death which casts an aspersion on the case of the prosecution.

6. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submissions of the learned counsel for the petitioner that he has been implicated based on suspicion and that Baleshwar Sahani in his confessional statement has not taken the name of the



petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chiraiya P.S. Case No. 153 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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