

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29787 of 2023

Arising Out of PS. Case No.-272 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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OSIYAR SAHANI son of Rameshvar Sahani village- Badaharava Kala Purvi
Ps- Kotwa Dist- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Motihari Muffasil P.S. Case No. 272 of 2021, G.R. No. 3098 of
2021 registered for the offences punishable under Sections 387,
120(B), 506 of the Indian Penal Code.

As per prosecution case, on 27.05.2021 a call from
mobile no. 91-8092490769 was made on informant's mobile for
demand of ransom of rupees three lacs. It is further alleged that
threatening was also given to informant that if the said amount
is not paid, he would face dire consequences.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been



surfaced upon the self confessional statement of petitioner which has been recorded at para 31 of the case diary as mentioned in the impugned order. Petitioner is not holder of mobile number in question from which ransom has been demanded. Petitioner is in custody since 31.01.2022 and bears criminal antecedent of five cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Nandan Sahani @ Nandan Kumar Sahani having more or less similar allegation has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 46045 of 2022. He further submits that petitioner has been falsely implicated in a routine manner in series of cases without any basis.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused Nandan Sahani @ Nandan Kumar Sahani having more or less similar allegation has already been granted bail by the co-ordinate Bench of this court,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Muffasil P.S. Case No. 272 of 2021, G.R. No. 3098 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(v) Petitioner shall not leave the territorial



jurisdiction of the concerned trial court without appropriate permission of the court concerned.

However, if petitioner violates any of the conditions enumerated above, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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