

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29018 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- BASANTPUR District- Siwan

MANOJ SAHANI @ MANOJ SAHNI, SON OF RAMPUJAN SAHANI @
POOJA SAHANI, R/O- VILL- BAGAH, P.S.- BASANTPUR, DIST.-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30754 of 2022

Arising Out of PS. Case No.-578 Year-2021 Thana- BASANTPUR District- Siwan

AJEET SINGH @ AJIT SINGH, SON OF NARAYAN SINGH, R/O- VILL-
SINGHAULI, P.S.- BASANTPUR, DIST.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29018 of 2022)

For the Petitioner : Mr.Ajay Kumar Thakur, Advocate
Mr.Birendra Kumar Singh, Advocate

For the State : Mr.Yogendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 30754 of 2022)

For the Petitioner : Mr.Birendra Kumar Singh, Advocate

For the State : Mr.Ajay Kumar Jha, APP

For the Informant : Mr.Amrendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-01-2023 Heard learned counsel for the petitioners, learned counsel
for the informant and the learned APP for the State.

These two bail applications are arising out of the same P.
S. i.e. Basantpur P. S. Case No. 578 of 2021, and as such they are
being disposed of by this common order.

The petitioners seek bail in connection with Basantpur



P.S. Case No. 578 of 2021 registered for the offence punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The FIR narrates a story that informant has received information that his brother has been killed by four unknown persons near the house of one Sanjay Singh and Gandhi Singh. The assailants have also taken away his mobile phone. The brother of the informant has been taken for treatment whereafter first aid was administered and he was referred for better treatment to the Sadar Hospital, Siwan, where he was declared as brought dead. The informant thereafter states that the deceased was earlier carrying on business with the petitioners, along with Pramod Singh, Pooja Sahani, Satyendra Singh and Brajesh Singh. The business was of fishery in a pond and after closure of the joint venture, the deceased had started carrying on the business by earlier settlement, now in his favour only. The same caused heartburn among the other persons named in the FIR and assigning such motive, it is alleged that they have altogether shot dead the informant's brother.

Learned counsel for the petitioners submit that other than suspicion there is nothing to support the prosecution case, neither in narration of events in the FIR, nor during the course of investigation. The petitioners are having clean antecedents. They have been in custody since 02.01.2022.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for bail. It is submitted that some C.D.R. details have emerged in the course of investigation



showing conversation between instant petitioners and other persons named in the FIR.

Considering the rival submissions, the nature of allegations and the material collected in the course of investigation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

Let the petitioners, 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 Chief Judicial Magistrate, Siwan, in connection with Basantpur P. S. Case No. 578 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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