

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30734 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- DURAULI District- Siwan

Kailash Sahani Son Of Ramashish Sahani Resident Of Village- Dumrahar
Bujurg, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 11-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

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

Petitioner seeks bail in connection with Darauli P.S. Case No. 186 of 2021 registered under Sections 302, 201 and 34 of the Indian Penal Code.

The prosecution case alleges that the informant's husband left his home on 08.08.2021, when the petitioner had called him for some purpose. Two days later, dead body has been recovered from a river side leading to lodging of the case naming the petitioner along with four other accused persons. The motive assigned is that the informant's daughter's marriage was fixed some time back and the



petitioner along with other persons was instrumental in sabotaging the negotiation on the earlier occasion.

Learned counsel for the petitioner submits that the motive assigned is far-fetched. It is highly improbable that for such reasons the petitioner could commit murder. There is no allegation of coercion and for two days after it is alleged that the informant's husband left his home, there is no intimation given to the police. The petitioner's implication is false and on extraneous consideration. He is in custody since 02.12.2021. The petitioner has two antecedents under the Bihar Prohibition and Excise Act and he is on bail in both the cases. Further submission is that three other co-accused have been allowed anticipatory bail in Cr. Misc. No. 27345 of 2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, fact that some co-accused have been allowed anticipatory bail, and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in Darauli P.S. Case No. 186 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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