

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32407 of 2023

Arising Out of PS. Case No.-426 Year-2022 Thana- SANGRAMPUR District- East
Champaran

-
1. SARITA DEVI D/o- Sharda Sahani, W/o- Late Shailendra Sahni Village-
Bariyariya, Ps- Sangrampur Dist- East Champaran
 2. Pradeep Sahani son of Sharda Sahani Village- Bariyariya, Ps- Sangrampur
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Ritwik Thakur, Adv. Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s :		Mr. Amitesh Kumar, APP
For the Respondent	:	Mr. Ujjwal Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioners seek bail in connection with
Sangrampur P.S. Case No. 426 of 2022 dated 24.12.2022
registered for the offence under Sections 302, 201 and 34 of the
Indian Penal Code.

The petitioner along with other are alleged to have
assaulted the son of the informant due to which he died.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case merely on the basis of suspicion. He further submits
that petitioner No.1 is having clean antecedent and the petitioner



No.2 carries two cases but he is on bail. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the alleged occurrence. He further submits that the petitioner No.1 happens to be wife of the deceased and petitioner No.2 is brother-in-law of the deceased and Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 26.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner No.2 carries two more cases other than the present one whereas the petitioner No.1 bears clean antecedent as per paragraph-3 of the petition.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihiari in connection with Sangrampur P.S. Case No. 426 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

brajesh/-

U		T	
---	--	---	--

