

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30012 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- PAKRIDAYAL District- East Champaran

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DHARICHHAN SAHANI SON OF DUKHAN SAHANI R/O VILLAGE-
BHAGWANPUR, P.S.- PAKARIDEYAL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30557 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- PAKRIDAYAL District- East Champaran

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CHANDAN SAHANI SON OF SIKANDER SAHANI R/O VILLAGE-
BHAGWANPUR BANARJHULLA, P.S.- PAKARIDAYAL, DISTRICT-
EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 30012 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

(In CRIMINAL MISCELLANEOUS No. 30557 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-02-2023

CRIMINAL MISCELLANEOUS No.30012 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 120(B), 307 and 34 of
the Indian Penal Code read with Section 27 of the Arms Act.



Learned counsel for the petitioner submits that petitioner is in custody since 14.11.2021 and is a person with clean antecedent and the informant alleges that her son Afroz and Harun were friends, further on 08.11.2021 at 10:00 AM, all three of them went out of the house on a motorcycle and at 6:30 PM she received an information from the police station that her son has received firearm injury and after sometime she came to know that her son has died, thus alleges that Afroz and Harun under a conspiracy took her son and killed him.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that he is not named in the FIR and specific allegation is alleged against Afroz and Harun, but based on suspicion as it has come in the case diary at Para-29 the petitioner was arrested and was made to confess about his participation in the occurrence where he disclosed that he along with the deceased Surendra and Chandan and other accused persons was trying to rob a businessman and while attempting to rob the businessman, firing was made by Afroz which accidentally hit the deceased and thereafter the businessman was also shot and they fled from the place of occurrence. The learned counsel submits that confessional statement made



before the police does not have any evidentiary value and even presuming what has been stated in the confessional statement to be true without admitting for the purposes of bail then the petitioner does not implicate himself rather states that the occurrence was committed by Aforz. It is next submitted that Surendra Tiwari whose name came in the confessional statement of the petitioner was granted regular bail by order dated 25.07.2022 in Cr. Misc. No. 8027 of 2022, it is next submitted that charges have been framed but not a single witness till date has been examined.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pakarideyal P.S. Case No. 243 of 2021.

In the event, if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel



his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

CRIMINAL MISCELLANEOUS No. 30557 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B), 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner is in custody since 14.11.2021 and is a person with clean antecedent and his name came in the confessional statement of Dharichhan Sahani, who has been granted bail by order dated 09.02.2023 in Cr. Misc. No. 30012 of 2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pakarideyal P.S. Case No. 243 of 2021.

In the event, if the learned trial court comes to a



conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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