

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34493 of 2022

Arising Out of PS. Case No.-457 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

RAJESH SAHANI Son of Late Harihar Sahani Resident of Village - Bangra
Nizamat, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove
the defect(s), as pointed out by the office, if any, within a period of
four weeks from today.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 376, 302 and 34 of the Indian Penal Code.

According to prosecution case, the married daughter of the
informant went for seeing Durga Puja on 13.10.2021 and when she
did not return then search was made and her dead body was found in
the field of Rajendra Rai.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in the
present case only on the basis of suspicion. He further submits that
the petitioner is not named in the F.I.R. The name of the petitioner
has been transpired on the basis of re-statement of the informant. He



further submits that there is no eyewitness of the alleged occurrence and on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that during course of investigation, two witnesses namely, Kishun Rai and Shankar Rai and spy has stated that they have seen the accused petitioner with other co-accused persons were going behind the deceased. He further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.01.2022.

Vide order dated 31.01.2023, a report was called for with regard to the present stage of the trial. Report dated 13.02.2023 reveals that charge has been framed against the petitioner on 17.11.2022 and the case is pending for prosecution evidence and till date no witness has been examined by the prosecution. He further submits that in view of the aforesaid report, the trial is not likely to be completed in near future and the petitioner is in custody since 20.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, 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 Court below where the case is pending in connection with Sahebganj P.S. Case No. 457 of 2021, G.R. No. 3269 of 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

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