

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40517 of 2023**

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

UMASHANKAR SAHANI Son of Rambahadur Sahani Resident of village -
Bhagwanpur, P.S.- Pakaridayal, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Pakridayal P.S. Case No. 243 of 2021 for the offence under Sections 302, 120B and 307/34 of the Indian Penal Code lodged on 09.11.2021 by the informant, Suganti Devi.

The prosecution case, in brief, is that the informant, Suganti Devi alleged that his son, namely, Guddu Kumar Yadav was friend of accused Afroz and Harun. On 08-11-2021, his son had gone with Afroz and Harun on motorcycle. On the same day, at about 06:30 PM, she received information from Police that her son had sustained gun-shot injury near Purwa Bazar and



one other person has also sustained gun shot injury. Thereafter, informant came to know that his son, namely, Guddu Kumar Yadav has died. Accordingly, the F.I.R.

It has been submitted by the learned counsel for the petitioner that the main allegation is against Afroz and Harun, who were friends of the deceased Guddu Kumar Yadav. The allegation is that the deceased had gone with these accused. Subsequently, he was found dead with gun shot injury.

Learned counsel for the petitioner submits that in the investigation, the name of the petitioner has cropped up and dragged in this case and accordingly, in custody since 13.04.2023 (as stated in paragraph 7 of the petition) and do not have any criminal antecedent.

Learned APP opposes the prayer stating that his name has come in course of investigation.

Taking into account the fact that there is no eye witness to the occurrence, initially suspicion was against Harun and Afroz, the petitioner's name has come in course of the investigation, case lodged and will ultimately have to face the trail, is custody since 13.04.2023 and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.



Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of C.J.M., East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 243 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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