

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42103 of 2023

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

SHAMPAT SAHANI @ SAMPAT KUMAR SAHANI Son of Dinalal Sahani
Resident of village - Banarjhula, Bhagwanpur, Chaita, 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.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Pakaridayal P.S. Case No. 243/2021 instituted under under Section 302, 120B, 307/34 of the Indian Penal Code and 27 of the Arms Act lodged on 9.11.2021 by the informant, Suganti Devi.

As per the prosecution story, the informant Suganti Devi alleged that his son, namely, Guddu Kumar Yadav was friend of accused Afroz and Harun. On 8.11.2021, 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 FIR.

Learned counsel for the petitioner submits he is not named in the FIR and further his name has been dragged in course of investigation and do not have criminal antecedent. He further submits that one co-accused has been granted bail vide Cr. Misc. No. 40517 of 2023 on 14.7.2023.

Learned APP opposes the prayer.

Considering the submission put forward by the learned counsel for the petitioner as also his name was not originally in the FIR, he do not have criminal antecedent and one co-accused has been granted bail, as stated above, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Pakaridayal P.S. Case No. 243/2021 to the satisfaction of learned C.J.M., East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

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

(v) 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;

(vi) 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 observation, the bail application is allowed.

(Rajiv Roy, J)

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