

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43239 of 2023

Arising Out of PS. Case No.-889 Year-2022 Thana- TURKAULIYA District- East
Champaran

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SACHIN KUMAR Son of Ramlal Sahani Resident of Village - Sabalpur, P.S.-
Sangrampur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya (Raghunathpur) P.S. Case No.889 of 2022, F.I.R. dated 10.09.2022 registered for the offence punishable under Sections 363, 364, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 05-09-2023 co-accused, Rajan Sahani came at the house of the informant and brought the informant's son Niraj Saloni alias Siyar with him, but the informant's son could not return to his house. When the informant went to the house of accused Rajan Sahani and asked from him about his son, accused Rajan Sahani replied that the informant's son Niraj Sahani had gone with the



accused Sachin Kumar and co-accused Sadhu Sah. Further, mobile of the informant is found switched off and till the date of lodging the FIR. i.e. 10-09-2022 the informant's son could not return. Hence, the informant is confident that this Sachin Kumar and co-accused Rajan Sahani and Sadhu Sah have kidnapped the informant's son Niraj Sahani Siyara with a view to kill him. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that it has come in paragraph-13 of the case diary that the son of the informant has met an accident and he has died and for the same another case was lodged bearing Chhatauni P.S. Case No.475 of 2022 was instituted and it has also come that the son of the informant has fled away with motorcycle and he has met an accident and died on the spot.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner, but fairly submits that it has come during



investigation in paragraph-13 of the case diary that the son of the informant has died due to road accident.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Raghunathpur) P.S. Case No.889 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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