

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53392 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- CHIRAIYA District- East Champaran

Baleshwar Sahani S/O Late Raja Sahani R/O Village- Athauna, Ps. Chiraiya,
Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar
For the Opposite Party/s	:	Mr.Anil Kumar Singh No. 1
For the Informant/s	:	Mr. Santosh Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-08-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

3. The petitioner has preferred this application for grant of regular bail in connection with Chiraiya P.S. Case No. 153 of 2022 dated 25.03.2022 registered for the offences punishable u/s 302 and 120B of the Indian Penal Code and 27 of the Arms Act.

4. As per the prosecution case, five accused persons boarded on two motorcycles and 10 unknown miscreants came and fired on the brother of the informant (Ram Binay Prasad)



causing injury due to previous enmity under conspiracy. When the informant raised alarm they fired on him and fled away from there. Thereafter, the injured was taken to the hospital where he was declared dead.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. There is general and omnibus allegation against the petitioner. The petitioner is accused in 15 other criminal cases and he is on bail in all the aforesaid cases as stated in para 3 of the bail petition. The petitioner is in custody since 22.06.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Motihar, East Champaran in connection with Chiraiya P.S. Case No. 153 of 2022, with the conditions:-

(i) The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will have liberty to move for cancellation of his bail bonds.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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