

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54755 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- TARIYANI CHOWK District- Sheohar

1. Bunnilal Sahani @ Banilal Sahani, S/O Late Dhuri Sahani @ Ghudi Sahani Resident of village- Lakhaura, Ward No- 10, P.S.- Lakhaura, District- East Champaran.
2. Munnilal Sahani, S/O Late Ram Ashish Sahani, Resident of village- Akouna, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioners and the learned APP for the State as well as the learned counsel for the informant.

The petitioners seek bail in connection with Tariyani P.S. Case No.183 of 2022 instituted for the offence punishable under Sections 307, 34 of the Indian Penal Code and Section 27 of the Arms Act, in which later on Section 302 I.P.C. has been added.

There is an allegation of firing against six named accused persons, including the petitioners, in a *Barat* party. Petitioner No.1 is father of the bridegroom and Petitioner No.2 is maternal uncle (*Mama*) of the bridegroom.



Learned counsel for the petitioners submits that in investigation, the firing, which has caused death of Rina Devi, has been attributed to co-accused Jitendra Sahani. Petitioners have been named along with other co-accused persons by virtue of their presence. There is no injury report to sustain the allegation of firearm injury being caused to the informant or Nirmala. The petitioners having no antecedents are in custody since 02.06.2022.

Learned counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is submitted that in the investigation material has come that these persons were repeatedly being cautioned not to resort to celebratory firing in the crowd. However, they have not relented, leading to the death of Rina Devi.

Considering the rival submissions, nature of allegations and material collected in course of investigation, viewed with fair antecedents and custody of the petitioners in the background, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, in connection with Tariyani P.S. Case No.183 of 2022, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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