

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60542 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- NARKATIYAGANJ RAIL P.S. District-
West Champaran

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KAMLESH SAHANI SON OF KEDARI SAHANI @ KHEDARI SAH
VILLAGE MADANPUR, PS NAURANGIA, DISTRICT WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Narkatiaganj Rail P.S. Case No. 34/2022 for the offence
punishable under Section 302/34 of the I.P.C. lodged on
28.4.2022 by the informant Meena Devi.

3. The prosecution story, in brief, is that the informant
Meena Devi gave an application before the Officer-Incharge of
Narkatiaganj Rail P.S. on 28.4.2022 that at 10 PM on 26.4.2022
the petitioner and other co-accused persons came to his door and
they took away her husband. On 27.04.2022, she got
information through Mobile that the dead body of her husband
was lying on the railway track. Thereafter, the informant and his



family member went to Narkatiaganj Rail P.S. and received the dead body of her husband namely Feku Sahani. The informant has full confidence that the dead body of her husband was thrown on Railway Track after committing murder of her husband by aforementioned persons named in the FIR and other unknown.

3. It has been contended by the learned counsel for the petitioner the allegation is of 26.4.2022 but the FIR was lodged after two days on 28.4.2022.

4. The further submission is that dead body was found near the Railway Track and only because they had been together in the previous night, has been implicated in this case.

5. There is no eye-witness to the allegation and has already suffered by being in custody since 22.03.2023.

6. Learned counsel for the informant on the other submits that they were the people who took her husband away and when he failed to return, the next morning, the dead body was found and as such she had strong reason to believe that the accused herein including the petitioner are responsible for his death.

7. Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also there is



no eye-witness to the occurrence, the petitioner is in custody since 22.03.2023 (as stated in paragraph-14 of the bail petition), this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Railway Magistrate Bettiah, West Champaran, in connection with Narkatiaganj Rail P.S. Case No. 34/2022 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 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 month for next one year 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 bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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