

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64245 of 2022**

Arising Out of PS. Case No.-232 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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DINANATH SAHANI Son of Chandrika Sahani R/V- Tikuliya, P.O and P.S-
Pipra, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 11-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Dumariyaghat P.S. Case No. 232 of 2021 dated 20.11.2021

registered for the offence under Sections 302, 201 and 34 of

the Indian Penal Code.

The informant alleged that he got information from

Media that a dead body was kept in the Sadar Hospital,

Motihari which was identified as body of his son. He further

suspect that his son has been kidnapped and murdered.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. He



further submits that the petitioner has not been named in the F.I.R rather his name transpired in this case on the basis of confessional statement of the co-accused, Shila Devi. He further submits that except confessional statement of the co-accused, no cogent material suggesting the involvement of the petitioner in the present case has surfaced during course of investigation. Moreover, similarly situated co-accused, namely, Munnilal Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 28210 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar, Motihari, East Champaran in connection with Dumariyagaht P.S. Case No. 232 of 2021 with the following conditions:-



(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, the court below shall take step for cancellation of 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)

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