

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69995 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- BISFI (PATAUNA) District- Madhubani

1. DILIP SAHANI Son of Baleswar Sahani R/V- Jagwan Kataiya, P.S- Bisfi (patauna), Dist- Madhubani
2. Birendra Sahani @ Virendra Sahani Son of Late Fuleshwar @ Late Fuleshwar Sahani R/V- Jagwan Kataiya, P.S- Bisfi (patauna), Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71578 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- BISFI (PATAUNA) District- Madhubani

SHARAVAN SAHANI Son of Remeshwar Sahani R/V- Jagwan Kataiya, P.S- Bisfi (Patauna) Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 786 of 2023

Arising Out of PS. Case No.-248 Year-2021 Thana- BISFI (PATAUNA) District- Madhubani

MANOJ SAHANI Son of Late Rameshwar Sahani Resident of village - Jagwan Kataiya, P.S.- Bisfi (Patauna), District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69995 of 2022)

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 71578 of 2022)

For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

(In CRIMINAL MISCELLANEOUS No. 786 of 2023)



For the Petitioner/s : Mr. Baidya Nath Prasad, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
01.07.2022 (petitioner no.1 & 2) & 16.07.2022 (petitioner no.3,
namely, Sharavan Sahani & petitioner no. 4, namely, Manoj
Sahani) in connection with Bisfi (Patauna) P.S. Case
No.248/2021 G.R. No. 725/2021, F.I.R. dated 17.10.2021
registered for the offences punishable under Sections 302, 201,
120(B)/34 of the Indian Penal Code.

According to prosecution case, the petitioners are
alleged to have committed murder of the husband of the
informant and threw his dead body in the dig.

Learned counsel for the petitioners submits that the
petitioners have clean antecedent and they have falsely been
implicated in the present case merely on the basis of suspicion.
He further submits that it appears from the F.I.R. that the date of
occurrence in the F.I.R. is 29.08.2021 but the present F.I.R. has
been instituted on 17.10.2021, after too much delay without
giving any explanation of delay and the name of the petitioners
have falsely been implicated in the present case due to previous



panchayat election and after thought, the informant has incorporated the name of these petitioners in the present occurrence. He further submits that except the suspicion, no other cogent material has come during investigation to connect the involvement of these petitioners in the present occurrence and similarly situated, co-accused person, namely, Rukesh Kumar @ Rukesh Sahani has been granted bail vide order dated 06.09.2022 passed in Cr. Misc. No. 28114/2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 & 2 are in custody since 01.07.2022 and the petitioner no.3 and 4 are in custody since 16.07.2022 respectively.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Madhubani in connection with Bisfi (Patauna) P.S. Case No.248/2021 G.R. No. 725/2021, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

amit/-

U		T	
---	--	---	--

