

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24041 of 2015

Arising out of PS.Case No. -345 Year- 2013 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

1. Ram Bilas Sahni, S/o Bishundeo Sahni.
2. Bishundeo Sahni, S/o Late Laxami Sahni. Both residents of Village Chiti Durga Asthan, Korbatha near Sant Kabir Colleged, P.S. Samastipur (M), District Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioners : Mr. Bijay Bhushan Prasad, Advocate.
For the Opposite Party : Mr. Smt. Nirmala Kumari(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2015 Learned counsel for the petitioners is permitted to make necessary correction in paragraph no. 3 of the petition in course of the day.

The petitioners are languishing in custody since 11.04.2015 in connection with Samastipur(M) P.S. Case No. 345 of 2013 for the offences instituted under Section 304 of the I.P.C.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that one Bibha Devi gave her fardbeyan before he police at about 12.15 hours on 31.07.2013 in presence of her brother-in-law(Dewar) Pramod



Kumar Thakur alleging therein that on the date of occurrence about 10 A.M. the informant and her mother-in-law Sona Devi were on her house, in the meantime, the wife of Arun Sahni started to cut branch of guava tree situated over her land and when she was foreboded she did not drop and continue to cut the same, thereafter, the mother-in-law of the informant at the shop, who after getting knowledge went to inform to village Sarpanch, again the mother-in-law of the informant returned back and she made her protest on that wife of Arun Sahni became angry and she dashed her down, she became unconscious and later on she died. While explaining the genesis of the case, the informant has alleged that there is land dispute between the parties.

It has been submitted on behalf of the petitioners that the present case has been instituted for an offence under Section 304 of the I.P.C. It is further submitted that the petitioners had no intention to commit murder of the deceased. It has further been submitted that the petitioner no. 2 is aged 82 years and the petitioner no. 1 is aged 59 yeas as the same is evidence from annexure-2 to the present application. It is further submitted that the petitioners are in custody since 11.04.2015.

On behalf of the State as well as the informant, it has been submitted that the petitioners are named in the F.I.R. and

there is direct allegation.

Considering the aforesaid facts and circumstances and the age of the petitioners, 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 C.J.M., Samastipur, in connection with Samastipur(M) P.S. Case No. 345 of 2013.

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(Sudhir Singh, J)