

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40977 of 2015

Arising Out of PS.Case No. -242 Year- 2013 Thana -MINAPUR District- MUZAFFARPUR

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Anil Sahani S/o Raju Sahani @ Rajdev Sahani Resident of Village Panapur,
P.S. Minapur, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code. Subsequently, Section 302/34 of the Indian Penal Code is added.

Allegation against the petitioner is that while he was trying to forcefully take away informant's maternal grand-daughter, informant came to rescue her and then he (informant) was assaulted by the petitioner with Dab causing injuries on his back and arm.

It has been submitted on behalf of the petitioner that he has got no criminal antecedent. He is in custody since 27.8.2013. There is no allegation of tampering of evidence against the petitioner. As per prosecution case, petitioner is said to have assaulted with a Dab giving a single blow upon the deceased. After eight days in course of treatment the deceased succumbed to death. Thereafter, Section 302 of the Indian Penal Code was

added in the present case. There is no independent witness to support the prosecution case. No blood-stain has been found by the investigating officer at the place of occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. and there is allegation of assault against him causing injury upon the deceased.

A report was called for from the court below regarding stage of the case. Petitioner has remained in custody for two years. From perusal of the report it appears that prosecution is not cooperating in the trial and the witnesses are not being produced in the court inspite of the fact that repeated reminders made by the trial court to the Senior Superintendent of Police, Muzaffarpur.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Muzaffarpur, in connection with S. Tr. No. 22 of 2014 arising out of Minapur P.S. Case no. 242 of 2013.

Let a copy of this order be sent to the District Magistrate, Muzaffarpur, who shall ensure that the prosecution cooperates with the trial court during trial by producing witnesses.

(Sudhir Singh, J)

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