

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6682 of 2015

Arising Out of PS.Case No. -305 Year- 2013 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. Satyadeo Sahni Son of Late Nagdeo Sahni
 2. Ram Narayan Sahni Son of Satyadeo Sahni
 3. Kunti Devi Wife of Ram Narayan Sahni
 4. Sunil Sahni Son of Ram Narayan Sahni All residents of village- Khori Pakar, P.S.- Sahebganj, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar
For the Opposite Party : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 02-07-2015 The petitioners belong to one family and are accused of Sahebganj P.S. case no. 305 of 2013, registered under Sections 302/201 of the IPC for having committed murder of another family member inside the house.

The husband of the informant was grand son of petitioner no.1 and son of petitioner no.2. He was habitual drinker.

The allegation is that when the husband of the informant demanded partition he was assaulted as a result whereof he died and the dead body was cremated hurriedly.

Contention is that several dates after the occurrence

the complaint has been lodged which has been treated as an FIR. The informant had earlier lodged a case against her husband and other family members under Section 498A of the IPC. Admittedly she was not present at the house..

Learned counsel for the State, on the other hand submits that in course of investigation some witnesses have supported the allegation that there is quarrel between the deceased (husband of the informant) and other family members as a result whereof he was assaulted and subsequently he died.

Taking into account the aforesaid facts, I am not inclined to privilege the petitioner nos. 2 and 4, namely Ram Narayan Sahni and Sunil Sahni with anticipatory bail. Prayer of bail is rejected.

In so far as the petitioner nos. 1, namely, Satyadeo Sahni who is grand father of deceased and petitioner no.3, namely, Kunti Devi who is mother of the deceased, this Court is inclined to extend them the privilege of anticipatory bail. let the petitioner Nos. 1 and 3, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate,

West Muzzafarpur in connection with Sahebganj P.S. case no. 305 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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