

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12923 of 2015

Arising Out of PS.Case No. -194 Year- 2014 Thana -SAHEBGANJ District- MUZAFFARPUR

1. Birendra Sahni Son of Thakur Sahni
2. Pradeep Sahni Son of Bhagwan Sahni
3. Ranjeet Sahani Son of Shambhu Sahni
4. Sushil Sahni @ Sunil Sahni Son of Ram Nath Sahni
5. Ram Nath Sahni Son of Kundal Sahni

All resident of village - Nawalpur, P.S. - Sahebganj, District -
Muzaffarpur

..... Petitioner/s
Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Binod Kumar 3 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-05-2015 When the case is called out no one appears on
behalf of the informant.

The petitioners are apprehending their arrest in
connection with Sahebganj P.S. Case No. 194 of 2014 for the
offence under Sections 279, 304A of the Indian Penal Code.
Later on Section 302 of the Indian Penal Code was added.

Heard learned counsel for the petitioners and the
State.

The prosecution story, in brief, is that when the

brother and Behnoi of the informant were coming on a bicycle, in the way a truck came being driven in rash and negligent manner and dashed the bicycle, thereafter both the injured were shifted to S.K.M.C.H, where Santosh Bhagat was declared dead and Shatrughan Bhagat was referred to P.M.C.H.

It is submitted on behalf of the petitioners that the deceased died in a truck accident and one other person was also injured in the said accident, for which the case was instituted under Section 304A of the Indian Penal Code. Though, after a period of five months, section 302 of the Indian Penal Code has also been added in the present case. Further, it has been submitted that from bare perusal of the First Information Report it appears that there is no allegation constituting an offence under Section 302 of the Indian Penal Code at best is a case under Section 304A of the Indian Penal Code and the same is bailable.

On behalf of the State, it has been submitted that the present case is for an offence under Section 302 of the Indian Penal Code.

Considering the aforesaid facts, let the above named petitioners, in the event of their arrest or surrender in the court below within a period of eight weeks, 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 learned Sub-Divisional Judicial Magistrate, West

Muzaffarpur in connection with Sahebganj P.S. Case No. 194 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sudhir Singh, J)

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