

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15761 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

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Madan Sahni, Son of Late Mahadeo Sahni, Resident of Village/Mohalla-Narhan (Sahni Tola), P.S.-Bibhutipur, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 29.02.2016

in connection with Bibhutipur P.S. Case No. 127/15 for offences

alleged under Sections 328, 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that he came to know that his son after assault had been

administered poison and all the named accused tried to kill his son

by tying cloth on his neck. The reason behind the alleged

occurrence was that on account of mental illness of the daughter of

the informant the petitioner's son (her husband) was not ready to

keep her and for that reason his son was killed.

It has been submitted by the learned counsel for

the petitioner that the petitioner, who is the father-in-law of the deceased, has been named only on the basis of suspicion and it is quite improbable that the informant's daughter was sent back from her matrimonial house on 26.05.2015 of being mentally unsound and after three days the deceased Pramod Kumar went to his sasural. He further submits that there is no eye-witness to the alleged occurrence and there is absolutely no reason for the petitioner to kill his own son-in-law.

However, learned APP for the State submits that although there is no eye-witness to the occurrence but petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has been implicated on the basis of suspicion and there being no eye-witness to the alleged occurrence, let petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-III, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No.127/15.

(Nilu Agrawal, J.)

Rajesh/-

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