

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40322 of 2016

Arising Out of PS.Case No. -145 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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Sandesh Kumar S/o Madan Sahni Resident of Village Panapur P.S.
Harsiddhi, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner apprehends his arrest in
connection with Harsidhi P.S. Case No. 145 of 2015
registered for the offence punishable under Sections 302/34
of the Indian Penal Code.

The prosecution case is that on 02.05.2015
at about 7:00 A.M. when the informant went to clean the
floor of the hut, she saw her husband lying dead. Thereafter,
she started crying upon which villagers assembled there and
when her son was coming home at 2:00 A.M., he saw the
FIR named accused persons sitting on the bridge, who had
threatened earlier to kill his father.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated due to village politics. He submits that there is no eye-witness to the alleged occurrence and that the petitioner has been made accused only on the basis of suspicion and previous enmity. It has further been submitted that the deceased, Buni Lal Sahni was a patient of asthma and was alcoholic and has died due to asphyxia on account of suffocation. There is no external injury on the person of the deceased, which is evident from the postmortem report.

However, learned A.P.P. for the State submits that 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, there being no eye-witness, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 145 of

2015, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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