

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25157 of 2016

Arising Out of PS.Case No. -144 Year- 2016 Thana -AHIAPUR District- MUZAFFARPUR

Ashok Sahni Son of Iachcho Sahani Resident of Village Kolhua,
Paigambarpur PS Ahiryapur, district Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Ahiyapur P. S. Case No. 144 of 2016 for offence alleged
under Section 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that on 20.02.2016 at about 8 A.M., the son of the informant
namely Mukesh (deceased) asked the petitioner as to why he
tied his cow at the door of Mukesh (deceased) and as a result
thereof there was exchange of hot words between them and
subsequently, the petitioner took away the son of the informant
forcefully at his house and killed him by pressing his neck and
threw away the dead body out of his door.



It has been submitted by the learned counsel for the petitioner that the petitioner is the own uncle of the deceased and the informant is the mother of the deceased. It has further been stated that the deceased had criminal antecedent as indulged in theft and robbery for which he was taken into custody several times. It has also been submitted that the deceased was in a drunken condition and he committed suicide inside the room. Many witnesses especially, the sister of the deceased stated that the deceased was lying dead in his room after committing suicide and she broke open the back of the door which has also come in the supervision note. It has been submitted that the sister-in-law (informant) has falsely implicated the petitioner due to instigation of villagers as there was partition between the informant's family and the petitioner's family. It has further been submitted that the petitioner has got his home and hearth in his village and there is no chance of his absconding or tampering with the evidence and that the petitioner has a clean antecedent as is evident from para-3 of this application.

However, the learned APP for the State submits that the petitioner is named in the F.I.R., opposes the prayer of bail.

Be that as it may, since the own sister has

categorically stated that her brother (deceased) committed suicide, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P. S. Case No. 144 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, the petitioner will appear before the Police / Court as and when required, and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

ajaypd./-

U		T	
---	--	---	--