

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7517 of 2016

Arising Out of PS.Case No. -353 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. MUNNA SAHNI @ MUNNA SAHANI Son of Late Samal Sahni
Resident of village - Chhitarpatti, P.S. Kanti (Panapur O.P.), District -
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 17-03-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kanti Police Station Case No. 353 of 2015,
disclosing offences under Sections 147, 341, 323, 307, 504,
506, 379 and 320 of the Indian Penal Code.

Allegedly, the petitioner assaulted the mother of
the informant with a piece of wood on her head, whereafter
she died.

Learned Counsel for the petitioner submits that
no offence is made out under Section 302 of the Indian
Penal Code inasmuch as had it been the intention of the
petitioner to kill the mother of the informant, he would not

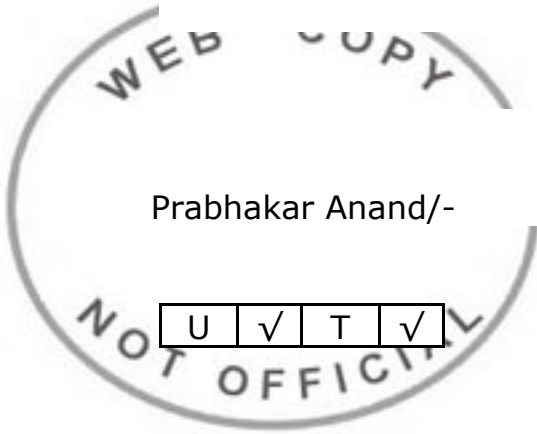
have used a piece of wood to assault her. She further submits that the mother of the informant was 80 years old and she died because of disease of lungs. In support of the submission, learned Counsel for the petitioner has relied on Annexure-3 of the application, which is post mortem report and pathological report of Sri Krishna Memorial Hospital.

Considering the facts and circumstances of the present case and the nature of the accusation, I am of the view that the petitioner has been able to make out an exceptional case for grant of anticipatory bail. This application is accordingly allowed.

Let the petitioner, Munna Sahni @ Munna Sahani, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Sub Divisional Judicial Magistrate (West), Muzaffarpur, in connection with Kanti Police Station Case No. 353 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two

consecutive occasions, his bail bond shall be liable to be cancelled.



(Chakradhari Sharan Singh, J.)