

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.621 of 2016

Arising Out of PS.Case No. -329 Year- 2015 Thana -KUDHNI District- MUZAFFARPUR

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Vidya Sahni @ Vidyanand Sahni, son of Paras Sahni resident of Village-
Basant Kharaona, Police Station- Kudhani (Turki Out Post), District-
Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Opposite Party/s : Mr. Khurshid Anwar(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seeks bail in connection with Kudhani
or Kurhani P.S. Case No. 329 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, on 09.09.2015 at 10:30 P.M., four co-
accused were taking away Indu Sahni, the brother of the
informant, with allegation that he is a thief and started assaulting
him with fist and slap, resulting, the informant and another
villagers tried to rescue his brother but they did not leave him and
then the petitioner and other co-accused also came there and
started assaulting the brother of the informant and dragged him
towards the house of co-accused Saroj Sahni and in the morning

the brother of the informant was found lying dead.

Submission is of false implication and that there is no specific allegation against the petitioner, simply he was the member of the mob, the deceased was habitual thief and at the time of committing theft he was caught. The villagers assaulted him and then the informant lodged this false case implicating nine accused persons, the informant is not an eye-witness, the manner of occurrence as alleged is not the true version and the petitioner is suffering in custody since 11.09.2015 and as such he deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that against the brother of the informant, no case of theft was lodged and with false allegation the petitioner and other brutally assaulted the brother of the informant and killed him.

In the facts and circumstances stated above, considering that the petitioner has no criminal antecedent and there is no specific allegation against him, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Kudhani or Kurhani P.S. Case No. 329 of 2015, subject to conditions that one of the bailors must

be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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