

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58683 of 2017

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Brahmadeo Sahni, Son of Late Panchu Sahni, resident of Rajendra Nagar, Police Station- Chitragupta Nagar, District- Khagaria, Retired Gram Panchayat Sewak.

.... Petitioner

Versus

1. The State of Bihar.
2. Sunil Kumar, Son of Late Laxmi Narayan Mahton, resident of Rajendra Nagar, Police Station- Chitragupta Nagar, District- Khagaria.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-12-2017

This application under Section 438 of the Code of Criminal Procedure has been filed by the petitioner for grant of pre-arrest bail in connection with Complaint Case No.405-C of 2016 in which cognizance has been taken for the offence punishable under Section 304 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that initially an FIR was instituted with allegation that on 30.04.2012 when the father of the informant was getting the pillar uprooted by the labourers upon his land, the petitioner pushed his father upon which his father became senseless and died at the hospital. On completion of investigation, the police found the case to be a mistake of fact and submitted final form



against the petitioner, which was also accepted by the court whereafter, on the basis of a complaint, this case has been launched.

Learned counsel for the State submitted that the police case concluded in submission of final report. Since the matter is proceeding on complaint, the petitioner may surrender and seek bail.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the statutory investigating agency found the allegation made against the petitioner to be false during investigation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Khagaria in connection with Complaint Case No. 405C of 2016 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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