

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28488 of 2017

Arising Out of PS.Case No. -59 Year- 2015 Thana -BISFI District- MADHUBANI

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1. BHOLA SAHANI @ BHOLA KUMAR SAHNI Son of Mohan Sahani,
Resident of Village- Kataiya, P.S. Bisfi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Kalyan Shankar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 31.03.2017 in
connection with Bisfi P.S. Case No. 59/2015 for offences
punishable under Sections 302, 120-B, 201 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her son Ram Nath Sahni had gone from the house five days
earlier at 10.00 A.M. after taking meal and did not return. His
body was found hanging in a mango orchard as informed by the
villagers. She alleged that Manoj Nishad, Chandan Nishad and
Ram Bilash Sahani must have conspired to kill her son.



It has been submitted by the learned counsel for the petitioner that he is the own brother of the deceased and has been made accused only on the basis of suspicion. In fact, the deceased, petitioner and his wife were living jointly and the deceased was working at Silliguri and it is because of the mobile location that the petitioner has been made accused. He submits that the informant's side was inimical to Manoj Nishad and others, hence, he has been falsely implicated, no overt act has been committed by him, there is no eye-witness to the alleged occurrence and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 59/2015.

(Nilu Agrawal, J)

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