

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21352 of 2018

Arising Out of PS. Case No.-22 Year-2013 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Upendra Sahni Son of Late Lakhan Sahni resident of Mohalla Balughat, P.S.
Town District Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party : Mr. Brajendra Nath Pandey, APP 91

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 23-05-2018

Heard learned counsel for the petitioner and learned APP

for the State.

Petitioner apprehends his arrest in connection with
Muzaffarpur Town P.S. Case No. 22 of 2013 instituted for the offence
under Section 302/34 of the Indian Penal Code.

In the written report it is alleged that husband of the
informant was working in the khatal (cow shed) of Mahendra Sahni
and was getting Rs.4500/- per month as salary. Prior to death of her
husband, the brother of Mahendra Sahni, Upendra Shani (the
petitioner), has told her husband to take his wife to hospital and
when her husband refused, he has been beaten by Upendra Sahni.
Upendra Sahni has given threat to her husband. The informant
learnt on 14.01.2013 that dead body of her husband was thrown
near stadium. The informant went there and came to know that
police has sent the dead body for post mortem. In this manner the



informant has raised suspicion against the petitioner. The case diary has been received wherein post mortem report is available. The doctor has found no ante mortem injury, internal or external. The various viscera has been preserved.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Muzaffarpur Town P.S. Case No. 22 of 2013** he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Muzaffarpur**, subject to the conditions as laid down under Section 438(2) Criminal Procedure Code with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

Shamshad/-

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