

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20881 of 2019**

Arising Out of PS. Case No.-949 Year-2017 Thana- MUZAFFARPUR TOWN
District- Muzaffarpur

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GOPAL SAHNI, aged about 50 years, male, S/o Narayan Sahni, Resident of
Village- Rohua Apuchh, P.S.- Mushahari, Dist- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pandey, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 16-07-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 307, 302 and 498(A) of the
Indian Penal Code registered in connection with Town P.S. Case
No. 949 of 2017.

3. It is submitted that the petitioner has been falsely
implicated merely because he happens to be the husband of the
deceased. The parties were married as far back as in the year
2009 and no complaint of any cruelty or torture was instituted
prior to the present case. As a matter of fact, the informant's
daughter was suffering from disease in the brain as found in the
CT report (page-29) and for which she was undergoing
treatment. Admittedly the deceased died at Patna and her body
had been received by the informant as evident from her death
certificate which shows cause of death as cardio respiratory
failure (page-32). The medical prescriptions etc. could not
corroborate the accusation of assault by the petitioner causing
fracture on the back of the deceased. There is considerable delay
in filing the complaint (subsequently converted into F.I.R.) on



08.12.2017 for the alleged occurrence of 18.07.17 and onwards.
The petitioner claims clean antecedents.

4. Learned APP submits that there is no *post mortem* report in the case diary.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing 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 Town P.S. Case No. 949 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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