

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45046 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- SAKRI District- Madhubani

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1. UPENDRA SAHANI Son of Late Ghuttar Sahani @ Ghuran Sahani
 2. Manju Devi Wife of Upendra Sahani, both Resident of Village-Nima, P.S.- Sakri, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv.
For the Opposite Party/s	:	Mr.Abhay Kumar,
For the informant	:	Miss Kusum Rani, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 06-11-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The instant application was initially filed by two petitioners for grant of bail in an FIR which was registered under section 307 and other sections of the Indian Penal Code in which section 302 of the Indian Penal Code was added subsequently.

At the outset it is submitted by learned counsel for the petitioners that by order dated 24.07.2019 passed in the instant case, the Court had been pleased to direct the petitioner no.2 to be enlarged on bail and as such he is confining his submission for grant of bail to the petitioner no.1.

It is submitted by learned counsel for the petitioners



that as per allegations in the FIR the six named accused persons are said to have come variously armed and of having assaulted the informant and her family members leading to the death of her father-in-law, Birendra Sahani.

It is further submitted that the petitioner no.1 was not named in the FIR. His name transpired in course of investigation. He has no criminal antecedent and is in custody since 15.01.2019. It is finally submitted that a number of the FIR named accused persons including Ramjeet Sahni @ Ram Raji Sahni, Manoj Sahni and Birendra Sahani have been enlarged on bail by order dated 22.10.2019 passed in Cr. Misc. No.61981/2019.

It was submitted by learned counsel appearing for the informant that the allegation as made in the FIR are serious in nature wherein the accused persons came variously armed and brutally assaulted the informant and her family members leading to the death of the informant's father-in-law. It is further submitted that the witnesses in course of investigation have supported the allegation against the petitioner no.1. In support of her contention the counsel for the informant referred to paragraph nos.9, 21, 29, 36 and 48 of the case diary.

The application for bail has been opposed by learned



APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner no.1 is not named in the FIR, grant of bail to the FIR named accused persons as stated above, the petitioner being in custody since 15.01.2019 and having no criminal antecedent, the Court is inclined to enlarge the petitioner no.1 on bail. Let the petitioner no.1, above named, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Vth, Madhubani in connection with Sakri P.S. Case No.11/2019 (S. Tr. No.178/2019).

(Partha Sarthy, J)

Prakash Narayan /-

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