

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75302 of 2018

Arising Out of PS. Case No.-80 Year-2017 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Radhey Sahni S/o Ram Lal Sahni Resident of Village- Kaswa Gijas @ Kaswa
Ginjas, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Sri Nityanand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 10-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned counsel appearing
on behalf of the State.

Petitioner is languishing in judicial custody since
14.06.2018 in connection with Kanti P.S. Case No. 80 of
2017 for offences punishable under Sections 328 and 302 of
Indian Penal Code.

The prosecution case as lodged by the informant is
that on 10.03.2017, the petitioner who worked along with
elder brother of the informant Rameshwar Sahni (deceased)



came and asked for his dues. When the informant after counting found nothing is due to the petitioner, the petitioner showed his anger and went away. Thereafter petitioner was informed telephonically that his brother has been administered poison and when he went, found him in a serious condition who while being taken to the hospital succumbed. It has been alleged that the petitioner had administered poison on the deceased which had been stated by the deceased in the telephonic conversation.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. Petitioner and the deceased brother of the informant worked as Masons and there was certain account to be settled for which the petitioner went to the house of the informant. He submits that there is no eye witness to the alleged occurrence, none of the witnesses have named the petitioner and it is only on the basis of statement made by the deceased brother that the petitioner has been made accused. He submits that charge-sheet has been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.



However, learned counsel appearing on behalf of the informant has submitted that the informant's brother had informed the informant that the petitioner had administered poison. It is also submitted that the same could be treated as a dying declaration of the deceased. It is also submitted that the Viscera report also showed contents of poison in the body of the deceased.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record as well as the fact that charge-sheet has already been submitted, let the 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 the learned S.D.J.M., West, Muzaffarpur in connection with Kanti P.S. Case No. 80 of 2017, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned



Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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