

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77323 of 2019

Arising Out of PS Case No.-41 Year-2019 Thana- NAOKOTHI GARHPURA District-
Begusarai

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1. Pankaj Sahani, Male 25 years, Son of Basant Sahni Resident of Village- Babhangama- Maheswara, P.S.- Naokthi, District- Begusarai.
 2. Hippi Sahani, Male 20 years, Son of Basant Sahni Resident of Village- Babhangama- Maheswara, P.S.- Naokthi, District- Begusarai.
 3. Malsi Sahani, Male 18 years, Son of Basant Sahni Resident of Village- Babhangama- Maheswara, P.S.- Naokthi, District- Begusarai.
 4. Anil Sahani, Male 22 years, Son of Late Sito Sahani Resident of Village- Babhangama- Maheswara, P.S.- Naokthi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey and Mr. Ajay Kumar Tiwary, Advocates
For the State	:	Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 02-12-2019

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

2. The petitioners have moved the Court seeking pre-arrest bail in connection with Naokothi PS Case No. 41 of 2019 dated 07.05.2019 under Sections 302 and 201/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submitted that there is no specific allegation of any overt act against the



petitioners and just because they are related to Basant Sahni, who is said to have taken Rs. 1 lakh from the deceased for which he had gone to ask him to return, only on suspicion, they have been named. It was submitted that there is no witness to the incident and at best, it was Basant Sahni, who could have a motive but the petitioners have been falsely implicated. It was submitted that the inquest was prepared on 06.05.2019 in the evening whereas, the FIR has been lodged at 9:00 AM on 07.05.2019.

4. Learned APP submitted that the petitioners are either sons or close relative of Basant Sahni and obviously, if Rs. 1 lakh was taken by Basant Sahni, for which pressure was being exerted by the deceased for returning the same, it is quite natural that the family members would also take part in the exercise so as to save themselves from having to repay Rs. 1 lakh. Learned counsel submitted that the witnesses have stated with regard to the call made by the father of the petitioners no. 1, 2 and 3 and the deceased going to their house and thereafter, his body has been recovered and the motive also has been said to be Rs. 1 lakh, which was taken by the father of the petitioners no. 1, 2 and 3 which the deceased had gone to take back. It was further submitted that there is no discrepancy for the delay in lodging of the FIR on the part of the informant for the informant had given



the statement in the evening on 06.05.2019 itself, which would be clear from the last portion of the FIR where it is stated that yesterday on 05.05.2019, the deceased had gone out of the house and, thus, it is clear that the statement was given in the evening of 06.05.2019 and if the police have delayed in instituting the FIR, for the same, neither the informant can be blamed nor it can be fatal to the prosecution case.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

6. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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