

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8608 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. PREM SAHANI S/o Harihar Sahani R/o village- Math Masauli, P.S.- Tariyani, District- Sheohar
2. Phula Devi @ Phulia Devi W/o Harihar Sahani R/o village- Math Masauli, P.S.- Tariyani, District- Sheohar
3. Sundari Devi D/o Harihar Sahani R/o village- Math Masauli, P.S.- Tariyani, District- Sheohar
4. Sanju Devi W/o Pram Sahani R/o village- Math Masauli, P.S.- Tariyani, District- Sheohar
5. Sharada Kumari @ Shradha Kumari D/o Harihar Sahani R/o village- Math Masauli, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 26-06-2020 The present case was heard at length on 24.06.2020 and it has been listed before this Court today for orders.

This is an application for grant of anticipatory bail in connection with Tariyani P.S. Case No. 219 of 2019 registered for the offence punishable under Sections 120(B) and 302 of the Indian Penal Code.

The case of the prosecution in brief is that on 6.11.2019 at about 8:00 PM. in the evening, one Nawab Thakur had taken the son of the informant from his house towards Mashhari market



on the pretext of taking him on a stroll. It is further alleged that when the son of the informant did not return till late in the night then on 7.11.2019, early in the morning at about 6 AM., one co-villager came and told the informant that a dead body was lying near the house of Prem Sahni, whereafter the informant had gone there and found that the dead body was that of his son, namely, Umesh Sahni and on the left side of his head, there was an injury caused by sharp weapon. It is further alleged that one week back, some dispute had arisen in between the deceased son of the informant and the petitioner no. 1 herein on account of some money dispute, hence, the accused persons have conspired together and killed his son.

The learned counsel for petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present and they are having a clean antecedent. It is further submitted that the deceased son of the informant was a notorious criminal and was accused in four criminal cases, as has been mentioned in paragraph no. 9 of the present petition. It is further submitted that the actual fact is that the father of the petitioner no.1 herein, namely, Harihar Sahani had filed a complaint case before the learned court below bearing Complaint Case No. 274 of 2019, alleging therein that in the



night of 6.11.2019 at about 11:00 PM., the son of the informant of the present case along with others had entered the house of the petitioners for committing dacoity and had also tried to rape the daughter of the informant, but on an alarm being raised, villagers had assembled and had assaulted the dacoits in which one of the dacoit, namely, Umesh Sahni (son of the informant) was killed and one other dacoit, namely, Nawab Thakur was injured. It is further submitted that apparently, a false case has been filed against the petitioners, implicating the entire family members.

I have the learned counsel for the parties, perused the materials on record and gone through the case diary in question from which it appears that the aforesaid submissions made by the learned counsel for the petitioners is probable. In such view of the matter, this Court deems it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned



C.J.M., Sheohar in connection with Tariyani P.S. Case No. 219 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that as far as the petitioner no. 1 is concerned, he would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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