

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18653 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- GUTHANI District- Siwan

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BISHUN SAHANI Son of Late Ramlachan Sahani Resident of Village -
Tadwa Khurd, Bakulari, P.S.- Guthani, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.

For the Opposite Party/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-09-2020 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor representing the State,

through Video Conferencing.

The petitioner seeks regular bail in connection with
Guthani Police Station Case No. 142 of 2019, registered for the
offence punishable under Sections 302/201/120-B of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that on 01.09.2019, the informant was sitting along
with his family members at his door, in the mean while, the
villagers of the informant, namely, Ram Sakal Sahani and
Arvind Kumar Sahani called his father Bishun Rai and took his
father along with them. Thereafter the father of the informant
did not return by the evening. It has further been alleged that on
02.09.2019, at about 9 AM, the informant got information that



one dead body was lying in the river near village Sonahuwa and upon this, the informant rushed and found the dead body of his father.

Learned Senior Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. He, referring to the First Information Report, submits that from perusal of the First Information Report, it would be evident that the father of the informant was allegedly called by two other co-accused persons, namely, Ram Sakal Sahani and Arvind Kumar Sahani, and only a suspicion has been raised against the petitioner and other family members. He also submits that the post-mortem of the dead body of the father of the informant was conducted and the doctor has opined the cause of death as asphyxia due to drowning and the death, according to the doctor, has taken place 3-5 days before; whereas, as per the allegation levelled in the First Information Report, the very next day, i.e. on 02.09.2019, the father of the informant was found dead. He further submits that the petitioner is in custody since 07.09.2019.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that earlier Guthani Police Station Case no. 252 of 2018 was



filed by the side of the informant alleging unnatural offence against his cousin, Alok Singh, and the family members of the accused persons were pressurizing the side of the informant for compromise and threatened to kill them.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no specific allegation has been made against the petitioner in the First Information Report and the petitioner is in custody since 07.09.2019, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Guthani Police Station Case No. 142 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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