

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27612 of 2020

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

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Ram Sakal Sahani S/o Sarbjeet Sahani R/o Village- Tarwa Khurd, P.S.-
Guthani, District- Siwan

... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party : Mr. Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 302/201/120B of the Indian
Penal Code.

Prosecution's case, in brief, 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 (the petitioner) 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 counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to suspicion. He submits that from perusal of the First Information Report, it is apparent that informant has suspected other co-accused named in FIR as the assailant of his father and not this petitioner. Petitioner is not named in the FIR. Besides this, 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; i.e., in between 28.8.2019 to 30.8.2019, 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. It is stated in paragraph 3 of th bail petition that the petitioner has got no criminal antecedent and he is in custody since 04.09.2019. Similarly situated co-accused Bishun Sahani has already been allowed bail by a co-ordinate bench of this Court vide order dated 9.9.2020, passed in Cr.Mis.No. 18653/2020.

In the facts of the case, prayer for bail of the petitioner



is allowed. Let the petitioner mentioned above 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 Additional Sessions Judge IV, Siwan in Sessions Trial No. 82 of 2020/ Guthani Police Station Case No. 142/2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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