

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71224 of 2019

Arising Out of PS. Case No.-26 Year-2019 Thana- DALSINGHSARAI District- Samastipur

SUNIL SAHANI Son of Devendra Sahani Resident of Village- Maniyarpur,
P.S.- Ghataho, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 21.07.2019 in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Sri Ram Naresh Rai, recorded by Manoj Kumar Singh, S.I., Dalsingh Sarai Police Station on 01.02.2019 at 9.15 A.M., to the effect that the son of the informant Sudarshan Kumar went out to his house on 31.03.2019 at 6.00 P.M., but did not return. Though the informant made several calls on his son's mobile phone, but it remained unanswered. Next morning, at 6.15 A.M., a villager informed that a dead body and a motorcycle are lying on the road near village-Parampura. After having



received such information, the informant along with other family members reached at the place of occurrence and identified the dead body to be of his son. It is alleged that informant's son earlier married a girl namely Rina Devi, daughter of Bhuneshwar Rai forcibly, as a result, he deserted her and performed second marriage. Thereafter, the informant was threatened several times. On the alleged date of occurrence, the informant's son went to the Call Centre of the petitioner. During investigation, the Call Detail Report of the petitioner suggests that the petitioner called the victim and thereafter informed other accused with regard to arrival of the victim.

It is submitted by learned counsel for the petitioner that only on the basis of circumstantial evidence, the petitioner has been roped in the present case. No direct evidence has been collected during investigation against the petitioner. Moreover, the villagers have suggested that the victim died in a road accident. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and learned APP for the State after going through the case diary submit that



though there is no eye witness to the occurrence, but there is enough circumstantial evidence against the petitioner suggesting that the victim has been called by the petitioner and thereafter, he was killed and his dead body was thrown on the road to make it appears as a road accident.

Considering the accusation being based on the circumstantial nature of evidence and the investigation being already concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Dalsinghsarai, in connection with Dalsinghsarai P.S. Case No. 26 of 2019.

(Dinesh Kumar Singh, J)

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