

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12369 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. Rambabu Sahani Son of Late Lakshman Sahni Resident of Village- Mahwal, P.S.- Motipur, District- Muzaffarpur.
2. Lakshman Sahni Son of Ramlagan Sahni Resident of Village- Mahwal, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Chandra Jha, Adv.
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, A.P.P.
For the Informant	:	Mr. Sanjay Parasmani, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per allegations in the F.I.R., the 11 named accused persons including the two petitioners herein came variously armed and started to assault the informant's son. It is stated that the same night the police recovered the dead body of the informant's son and took it to the police station. The next day postmortem was conducted and thereafter following the cremation, the case was registered.



It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. In spite of information having been given to the police on 15.7.2020 at 9:30 pm, the F.I.R. was registered on 17.7.2020 at 7:30 pm with no reasonable explanation for the delay. There is no specific allegation. The allegations are general and omnibus in nature. The petitioners are in custody since 22.7.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that timely information was given to the police which is evident from the F.I.R. itself. The informant cannot be held accountable for the delay in registration of the case by the police. The petitioners are not only named in the F.I.R. but there is specific allegation against them of having committed brutal murder of the son of the informant.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners, the general and omnibus allegations as levelled in the F.I.R. together with the petitioners having remained in custody for more than 1 year, the Court directs the petitioners to



be enlarged on bail in connection with Motipur P.S. Case No. 165 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, (West), Muzaffarpur.

(Partha Sarthy, J)

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