

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14174 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- PAROO District- Muzaffarpur

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SANT LAL SAHANI S/O- LATE CHALITTAR SAHANI Resident of
Village- Kamalpura, P.S.- Paroo, District- Muzaffarpur (Bihar)

... .. 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. Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP
For the Informant : Mr. Shakil Ahmad Khan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 06-08-2021 Heard learned counsel for the parties through video

conferencing.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 302 and other
sections of the Indian Penal Code.

As per allegation in the F.I.R., the accused persons
including the petitioner herein who happens to be the full
brother of the deceased, along with his family members started
to assault the husband of the informant. It is further stated that
the petitioner and two others caught hold of the husband of the
informant and on the orders of Pramila Devi, Kunal assaulted
with a knife leading to his death.

It is submitted by learned Senior counsel appearing
for the petitioner that the allegations as levelled in the F.I.R. are
false and concocted. The manner of occurrence is other than



what has been narrated in the F.I.R. Accepting the allegations for the sake of argument, it is submitted that from perusal of the post-mortem report (Annexure-2), the injury found therein is directly attributable to co-accused Kunal. The petitioner is in custody since 12.7.2020, has no criminal antecedent 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 there is direct allegation against the petitioner of having caught hold of the deceased in the commission of the crime and he has criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the submissions made together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Paroo P.S. Case no.352 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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