

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21272 of 2021

Arising Out of PS. Case No.-113 Year-2018 Thana- BIBHUTIPUR District- Samastipur

Rajesh Sahni S/O Gango Sahni R/O Village-Belsandi Dih, P.S-Bibhutipur,
District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 113 of 2018 instituted for the offences
under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant Ramo Devi has alleged that on
01.05.2018 her husband Lakhan Sahani @ Lakhani Sahani
along with Dukhi Sahani and Rajesh Sahani (petitioner) went to
drink toddy by motorcycle and her husband had a Nokia mobile
bearing no. 9006210866 and cash Rs. 4000/- and on the same
day at about 10 pm in the night he returned and slept in the
house on a chowki. Further, she alleges that in the next morning



when he woke up and came outside the door he fell down on the ground then the accused Birju Sahani and Ranjit Sahani took away her husband for treatment but on the way he died.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is in custody since 23.11.2020. Further, the learned counsel submits that from perusal of the F.I.R. it would manifest that the husband of the informant along with the petitioner and one another person had gone to drink toddy and thereafter he came back as such it cannot be presumed that the petitioner in no manner tried to poison him, if the petitioner really tried to poison him, then in that event, the petitioner would not have allowed the deceased to go back and sleep. Further, the husband of the informant slept in the night and in the morning he died so as such it cannot be presumed for the present that the petitioner in any manner was responsible for the death of the husband of the informant.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 23.11.2020, charge-sheet has been submitted in the case and that the husband of the informant after drinking toddy returned home, slept and died, let the petitioner above named be



released on bail on furnishing of bail bond of Rs. 10,000/-
(Rupees Ten Thousand only) with two sureties of the like
amount each to the satisfaction of learned Additional Chief
Judicial Magistrate-II, Rosera, Samastipur in connection with
Bibhutipur P.S. Case No. 113 of 2018 subject to the condition as
laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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