

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25721 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- BISFI District- Madhubani

1. Mahendra Sahni S/O Late Saryug Sahni R/o village- Haspura Raghauli, P.S.- Bisfi, District- Madhubani
2. Amarjit Sahni S/o Mr. Shivchandra Sahni R/o village- Haspura Raghauli, P.S.- Bisfi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with Bisfi P.S. Case No. 317 of 2020 dated 12.09.2020 instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no. 1 is in custody since 13.09.2020 and petitioner no. 2 is in custody since 15.12.2020 and charge-sheet has been submitted against both the petitioners.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would



manifest that informant alleged that while her husband Yogi Sahni was cutting leaves on the back road, in the meantime Mahendra Sahni (petitioner), his brother reached there and asked the husband of the informant to leave the road and use the front area on account of which a verbal altercation took place, leading to fight between the brothers. Thereafter, it is alleged that other family members of Mahendra Sahni also came and the husband of the informant was pushed, he fell down and he received injury on his chest as a result of which he later died.

Learned counsel for the petitioners submits that from perusal of the post-mortem report it would manifest that no external injury was found on the body of the deceased. Further, he submits that from perusal of allegations in the F.I.R. it would manifest that whatever happened, it happened between the brothers and there was absolutely no intention on the part of the petitioner to kill his brother. It is alleged that the deceased was pushed, as a result of which he died.

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

Considering the fact that the petitioners are in custody since 13.09.2020 and 15.12.2020 respectively, charge-sheet has been submitted in the case and the petitioners are persons with



clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipatti in connection with Bisfi P.S. Case No. 317 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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