

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26240 of 2021

Arising Out of PS. Case No.-587 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

1. SHIVJEE SAHANI Son of Late Dhanushi Sahani
 2. ARUN SAHANI @ ARUN KUMAR SAHANI Son of Shivjee Sahani
 3. SANJIV KUMAR SAHANI @ SANJEEV SAHANI Son of Late Kailash Sahani
- All residents of Village - Vijay Chhapra, P.S.- Ahiyapur, Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-11-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 328 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that the dispute was going on between the informant and the five named accused persons including the three petitioners herein. It is as a result of the old dispute that the accused persons called the father of the informant and administered poisonous substance as a result of which he was admitted in S.K.M.C.H. and died in course of treatment. The informant claims that the accused persons had poisoned his father to death as a result of the



pending land disputes.

It is submitted by learned counsel for the petitioners that from perusal of the F.I.R. itself, it would transpire that an unsubstantiated suspicion has been raised by the informant against the accused persons including the three petitioners herein. The allegations are general and omnibus in nature. There are no eye witness to the occurrence. The contents of the F.I.R. are self-contradictory in so far as on one hand the informant states that there was pending disputes between the parties and on the other the father of the informant went along with the accused persons to have food with them. Further, referring to the contents of the order of the learned court below, it is submitted that the material that has transpired in case diary has been dealt with therein which also do not implicate the three petitioners herein. The petitioner no.1 is in custody since 5.11.2020 while petitioner nos.2 and 3 are in custody since 4.12.2020. They have no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners having remained in custody for more than 11 months, the Court directs the three petitioners to be enlarged on bail in



connection with Ahiyapur P.S. Case no.587 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 Chief Judicial Magistrate, Muzaffarpur.

(Partha Sarthy, J)

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