

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27778 of 2021

Arising Out of PS. Case No.-512 Year-2020 Thana- HARSIDHI District- East Champaran

1. DEEPAK SAHANI, aged about 28 (Male), S/o Devi Lal Sahni, Resident of Village- Dhawahi Ward No. 18, P.S.- Harsidhi, District- East Champaran.
2. Mukhtar Sahani, aged about 32 years (Male), S/o Girza Sahani, Resident of Village- Baban Dhawahi, Ward No. 19, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, App
For the informant	:	Mr. D. Tandon, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 22-10-2021 Heard the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 504, 302, 406 of the Indian Penal Code.

Informant has alleged that on 25.01.2019 at about 08:00 a.m., while she was in her home along with her family members, petitioners came there and told her husband that they are working in a cement factory at *Bengaluru* on contract basis and few labourers are also working there and further petitioners gave proposal to the informant's husband that if he would work there, he will be paid Rs.15,000/- per month besides fooding and lodging upon which her husband agreed and went with them

and started working there.

It is further alleged that on 31.12.2019, husband of the informant demanded his wages, however, full wages were not paid and on account of non payment of full wages there was altercation between her husband and accused persons upon which accused persons assaulted and he was hospitalized and Informant came to know that he succumbed to his injuries on 22.01.2020.

It is further alleged that a panchayati was held and accused persons agreed to compensate Informant but subsequently they refused and accordingly, FIR was instituted.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case due to dirty village politics. It is further submitted that informant's husband died on 22.01.2020 in a hospital and complaint case was filed on 05.12.2020 after delay of more than 10 months without any valid explanation. It is contended that in the postmortem report, no external injury has been found on the person of the deceased. It is recorded in the post mortem report that deceased was admitted in hospital on 12.01.2020 with history of breathlessness and vomiting since 2-3 days and he developed lung collapse. The patient was diagnosed to have

refractory septic shock, acute kidney injury and chronic liver disease.

Petitioners have no criminal antecedent.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Harsidhi P.S. Case No.512/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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