

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31960 of 2020

Arising Out of PS. Case No.-638 Year-2019 Thana- KHAGARIA District- Khagaria

Khudbudiya Sahni @ Khudbudiya @ Indal Sahni, aged about 36 years (M),
Son of Chhabbu Sahni, Resident of Village - Bhagat Tola Mathurapur, P.S. -
Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the State : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar Choudhary, learned counsel
for the petitioner and Mr. Tapeswar Sharma, learned Additional
Public Prosecutor (hereinafter referred to as the 'APP') for the
State.

3. The petitioner apprehends arrest in connection with
Sadar Khagaria PS Case No. 638 of 2019 dated 16.08.2019,
instituted under Sections 302/201/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is of
killing the son of the informant.

5. Learned counsel for the petitioner submitted that in
the FIR only suspicion has been raised against the petitioner and
other co-accused that they were responsible for the death of the



son of the informant whose body was recovered from the boat which was owned by co-accused Sikandar Sahani that too based on some dispute with regard to fishing 10 days prior to the incident. It was submitted that no information or complain was given to any authority with regard to any such dispute earlier and that neither is there any eye witness nor any witness has stated with regard to the petitioner being involved in the crime during investigation. It was submitted that because the petitioner is also earning his livelihood from fishing, due to rivalry, he has been made an accused. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that after investigation, as per the supervision report, the role of the petitioner in the murder of the son of the informant has been found. However, he did not controvert that no witness has taken the name of the petitioner as one of the perpetrators of the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand)



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in Sadar Khagaria PS Case No. 638 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close relative of the petitioner. The petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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