

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33414 of 2020

Arising Out of PS. Case No.-364 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. SUBODH SAHANI, Son of Raja Ram Sahani, R/o Village- Sunderpatti, P.S.- Pakaridyal, District- East Champaran, Motihari
2. Vikash Sahani, Son of Raja Ram Sahani, R/o Village- Sunderpatti, P.S.- Pakaridyal, District- East Champaran, Motihari
3. Punit Sahani, Son of Raja Ram Sahani, R/o Village- Sunderpatti, P.S.- Pakaridyal, District- East Champaran, Motihari
4. Ram Janam Sahani, Son of Late Mangal Sahani, R/o Village- Sunderpatti, P.S.- Pakaridyal, District- East Champaran, Motihari ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party : Mr. Mrityunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 12-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Pakaridyal P.S. Case No. 364 of 2019, pending in the Court of the Chief Judicial Magistrate, East Champaran at Motihari, for the offence alleged under Sections 363 and 365/34 of the Indian Penal Code and after the death of the victim Section 302 of the Indian Penal Code has also been added.

The accusation is that in the evening of 16.11.2019, the petitioners along with two unknown accompanied Paryag Rai, the husband of the informant, Premsheela Devi, for irrigating the field, since then her husband is traceless. Earlier



there was dispute in transaction of money between her husband, Paryag Rai, and Ram Janam Sahni, who had given threatening to her husband to kill.

Submission is that petitioner has falsely been implicated in this case.

On the other hand, the learned counsel for the State opposed the pre-arrest bail of the petitioners with submission that after accompanying the husband of the informant, by the petitioners and others, his dead body was found at the bank of river, which would appear from the order, dated 08.07.2020, whereby the prayer of the pre-arrest bail of the petitioners and Awadhesh Sahni, has been refused.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioners. The prayer for pre-arrest bail is **rejected** with direction to the petitioners to surrender before the Court below and seek regular bail, which shall be considered by the Court below on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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