

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37749 of 2020

Arising Out of PS. Case No.-417 Year-2019 Thana- GAIGHAT District- Muzaffarpur

=====

SUKHDEO SAHANI @ SUGADEV SAHANI son of Ramprit Sahani
Resident of Village- Dhobauli, P.S. Gaighat, District- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Bela Singh
For the Opposite Party/s : Ms. Asha Devi

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-03-2021 Heard Ms. Bela Singh, learned counsel for the
petitioner and Ms. Asha Devi, learned APP for the State.

The petitioner, who is in custody since 13.08.2020
seeks bail in connection with Gaighat P.S. Case No. 417 of
2019 instituted for the offences under Sections 302 /34 of
the Indian Penal Code.

The mother of the deceased has lodged the First
Investigation Report alleging that she was telephonically
informed that her second son, namely, Devendra Sahani has
been assaulted by his villagers including the petitioner as a
result of which he died. On receiving such information, the
informant came to her home and found the dead body of her



second son. On the basis of the aforesaid written report, the subject F.I.R. was lodged in which the petitioner also has been made accused.

Learned counsel for the petitioner has submitted that the wife of the deceased also has been made an accused in this case. It has further been urged that in fact, the wife of the deceased was troubled and harassed by the deceased and in order to save herself from being assaulted further, she went to her sister's house for safety. The deceased, with an intention to fight with the husband of sister of his wife went to the house of Hriday Sahani, where he misbehaved with the villagers. A scuffle took place between the villagers and the deceased, which ultimately and unfortunately led to the death of the deceased. The petitioner happens to be the brother of the co-brother of the deceased and, therefore, he has been made accused in this case.

Apart from this, it has been submitted that during the entire investigation, the factum of the deceased having a disturbed relationship with his wife has been collected from



several witnesses. There is no eye witness to the occurrence and it only appears that all the persons, who are associated with Hriday Sahani who is a co-brother of the deceased, have been made accused in this case.

The petitioner has got no relation at all with the deceased and has no criminal antecedents.

Regard being had to the afore-stated facts and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -15th, East Muzaffarpur, in connection with Gaighat P.S. Case No. 417 of 2019.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

