

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6456 of 2021

Arising Out of PS. Case No.-385 Year-2013 Thana- BAHADURPUR District- Darbhanga

1. DINESH SAHNI SON OF DOMU SAHNI RESIDENT OF VILLAGE-
EKMIGHAT CHANDIH, P.S BAHADURPUR, DISTRICT-
DARBHANGA .
2. DOMU SAHNI SON OF LATE BAUYE LAL SAHNI RESIDENT OF
VILLAGE- EKMIGHAT CHANDIH P.S- BAHARDURPUR, DISTT-
DARBHANGA
3. DABATIYA DEVI WIFE OF DOMU SAHNI RESIDENT OF VILLAGE-
EKMIGHAT CHANDIH, P.S- BAHADURPUR, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sinha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioners and the

State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
Nos. 2 & 3 namely, Domu Sahni and Dabatiya Devi as during
pendency of this application, they have been taken into judicial
custody.

Permission is granted.



Accordingly, this application with regard to petitioner Nos. 2 & 3 namely, Domu Sahni and Dabatiya Devi is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in Bahadurpur P.S. Case No. 385 of 2013 registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, Bajrangi Sahni, the son of the informant became traceless and subsequently, the dead body of informant's son was found in the mud of Ojhaul river.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. He has been falsely implicated in the present case. The son of the informant became traceless and he is alleged to have been seen lastly with the co-accused Parwati Devi. The police after investigation submitted final form against the petitioner No. 1 finding the case false. The court below accepted the said police report. Subsequently, in course of trial, the name of the petitioner transpired and summons under Section 319 of the Cr.P.C. has been issued against him. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in the present case. There is no allegation of assault against the



petitioner No. 1 nor there is any circumstantial evidence to suggest the participation of the petitioner No. 1 in the present case.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-II, Darbhanga in connection with Bahadurpur P.S. Case No. 385 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No. 1 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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