

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8405 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi
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- 1. KAMLESH SAHANI Son of Shyamdev Sahni Resident of Village - Gaurigamma, Police Station - Runnisaidpur, District - Sitamarhi.
- 2. Sitaram Sahani Son of Shyamdev Sahni Resident of Village - Gaurigamma, Police Station - Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Dr. Mrityunjaya Kumar Gautam, APP
For the Informant	:	Mr. Arya Achint, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Runni Saidpur P.S. Case no. 244 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that she was informed by her elder brother-in-law (*Bhaisur*) about the assault on her husband and his having been admitted in SKMCH for treatment. It is stated by the informant that on visiting her husband she was informed by him about



being assaulted by the petitioners herein. Her husband died in course of treatment at about 11 pm on 4.6.2020.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Learned counsel for the petitioners has taken the Court in detail through the statements of the witnesses recorded under section 161 Cr.P.C. to submit that all the witnesses have consistently stated that they got up on hearing the sound of groaning of the deceased in the night of 2.6.2020. They tried to assist him with medication and on his condition not improving he was admitted to the hospital for treatment. It is submitted that it may be because of fall at his home that he may have sustained injuries. Admittedly there is no eye-witness to the occurrence. The so-called dying declaration of the deceased was not recorded in writing. The petitioners have no criminal antecedent and are in custody since 18.8.2020 and 5.9.2020 respectively.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that just before dying, it was the deceased who narrated about his being brutally assaulted by these two petitioners to his wife, the informant herein. The same is



supported from the contents of the postmortem report wherein the cause of death in the opinion of the doctor is due to haemorrhage and shock because of injuries caused by hard and blunt object. It is further submitted that the time of death on 4.6.2020 at 11:00 pm is also corroborated with the time of death given in the postmortem report.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the direct allegation against the petitioners together with contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The trial court is directed to expedite the trial.

(Partha Sarthy, J)

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