

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2926 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- MUSAHARI District- Muzaffarpur

1. SHASHI KUMAR @ SHASHI SAHNI Son of Ruplal Sahni @ Ruplal Sahani
 2. RANDHIR SAHNI @ RANDHIR KUMAR Son of Ruplal Sahni @ Ruplal Sahani
 3. SUDHIR SAHNI Son of Ruplal Sahni @ Ruplal Sahani
- All are Resident of Village - Radha Nagar Mushahari, P.S.-
Mushahari, Distt. - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offence punishable under Section 302 of the
Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that on 18.09.2021, at about
01:30 a.m., Rajesh Kumar came and kept the dead body of the
nephew of the informant at his door and fled away. Thereafter,



the informant alleges that on inquiry it transpired that the accused persons including the petitioners along with the deceased went on the stage where orchestra was being performed and on account of dispute, they threw the deceased from the stage and he got electrocuted.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and the informant is not an eyewitness to the occurrence. It is submitted that Rajesh Kumar, who had brought the dead body of the deceased at the house of the informant, is the own brother of the present petitioners. It is next submitted that if the petitioners along with Rajesh Kumar would have committed the occurrence then Rajesh Kumar definitely would not have brought the dead body to the house of the informant, rather would have tried to conceal the same. It is next submitted that by bringing the dead body to the house of the deceased by Rajesh Kumar would also amount to creating evidence against him. It is, thus, submitted that no accused would create evidence against himself if he has committed an occurrence. Learned counsel next submits that the deceased along with the petitioner and others including Rajesh Kumar had gone to watch an orchestra program where they went on the stage and started dancing and on account of bad



luck the deceased got electrocuted.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mushahari P.S. Case No. 161 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

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

