

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28865 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- GUTHANI District- Siwan

1. Vijay Sahni @ Vijay Kumar Prasad Son Of Mr. Jamadar Prasad Resident Of Village - Tarwa Khurd, P.S. - Guthni, District - Siwan.
2. Arvind Kumar Sahni @ Arvind Kumar Son Of Mr. Vijay Kumar Prasad Resident Of Village - Tarwa Khurd, P.S. - Guthni, District - Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-03-2022 Heard Sri Ajay Thakur, learned counsel for the petitioner and Sri Ram Bilash Roy, learned APP for the State.

Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners apprehend their arrest in connection with Guthni P.S. Case No. 142 of 2019 registered for the offences punishable under Section 302, 201 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no.1 is a Government servant and the petitioner no. 2 is an engineer in Patna.

It has been submitted by the learned counsel for the



petitioners that it is alleged by the informant that deceased was called by the petitioners on 01.09.2019, his dead body was found on 02.09.2019 and the postmortem was conducted on the same day. During the postmortem, it has come that the deceased had died 3-4 days back and there is no direct evidence against the petitioners except for the fact that the deceased was informant in another case, in which it is said that he was being pressurized to give evidence in favour of the accused persons.

Learned APP for the State has opposed the prayer for anticipatory bail application and submitted that due to previous enmity the deceased was called and killed.

Considering the submission of the parties.

Except for suspicion, there is no material against the petitioners. Moreover, though as per the prosecution case, the deceased was called at 11.00 A.M. in the morning but during postmortem his bladder has been found empty which shows that the deceased must have left his house early in the morning without having breakfast i.e. without eating anything. Further, the petitioners are Government servants and employed in a responsible position and there is no chance of their absconding.

Considering the aforesaid facts, this anticipatory bail application is allowed.



Accordingly, let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/ (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Guthni P. S. Case No. 142 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sandeep Kumar, J)

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