

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47544 of 2021

Arising Out of PS. Case No.-132 Year-2020 Thana- MAHINDWARA District- Sitamarhi

RAMSHRESHTH SAHNI Son of Narayan Sahni Resident of Village-
Mahindwara, P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 25-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Mahindwara P.S. Case No. 132 of 2020 for the offence
punishable under Section 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that the informant
was informed by his villager that his son has been murdered and
his dead body is lying in the field of Baleshwar Prasad Verma.
He has alleged that some unknown persons have killed his son.
In course of investigation, statement of one Julia Devi was
recorded under Section 161 Cr.P.C. wherein she has stated that



she had last seen the deceased with the present petitioner. Others have also supported the said fact.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. There is no eye witness to the alleged occurrence. The informant who is father of the deceased in his further statement has taken the name of the petitioner, as such, he has developed the case on mere suspicion. He further submits that the deceased is cousin brother of the present petitioner and son of the informant. Petitioner has clean antecedent and is in custody since 14.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the independent witnesses whose statement have been recorded in paragraph Nos. 39 and 40 of the case diary have made their specific statement that they had last seen the deceased along with the petitioner. The petitioner had dispute with the deceased regarding recovery of money. Post mortem reveals two injuries on the body of the deceased.

From perusal of the allegation made in the F.I.R., case is registered against unknown persons, informant is the father of the deceased, petitioner is the cousin brother of the deceased,



statement of the independent witnesses whose statement were recorded in course of investigation discloses that the deceased was last seen with the petitioner and on mere suspicion the petitioner has been made accused in the present case. Admittedly, there is no eye witness to the alleged murder of the son of the informant. In this regard, law is well settled that suspicion howsoever strong cannot take the place of proof and for suspicion an under trial prisoner cannot be kept behind the bar even after completion of investigation.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi in connection with Mahindwara P.S. Case No. 132 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty



to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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