

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44836 of 2022

Arising Out of PS. Case No.-128 Year-2022 Thana- LALGANJ District- Vaishali

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AVINASH SAHNI SON OF PRADEEP SAHNI R/O VILLAGE- SIRSA
GHASI, P.S.- LALGANJ, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Namrata Mishra

For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Lalgunj P.S. Case No. 128 of 2022 registered for the offences
punishable under Sections 304B/328 of the Indian Penal Code.

As per prosecution case, petitioner and others
assaulted informant's sister for non-fulfillment of demand of
dowry. It is further alleged that petitioner and others
administered poisonous substance to the informant's sister and
during the course of treatment she died.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.04.2022. Petitioner bears no



criminal antecedent. He further submits that petitioner has been falsely implicated in the case as petitioner is the brother-in-law (Bhaisur) of the deceased and he is separate in mess and business and he is living in Delhi with his family. Petitioner has no concern with family affairs of the deceased. From the bare perusal of the FIR, there is no specific allegation against the petitioner. The allegations against the petitioner are general and omnibus in nature. Learned counsel for the petitioner specifically referred that the date of occurrence is 14.04.2022 and she was treated near about four days in hospital and she died after four days of the treatment as the same is clear from the perusal of FIR.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner has no say in the family affairs of the deceased, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 128 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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