

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57089 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Chandan Sahni Son Of Ram Pulis Sahni R/O Village- Maksudanpur
Bhadaiya, P.S.- Mohiuddinnagar, District- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Mohiuddinnagar P. S. Case No.108 of 2020, instituted for the
offences under Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 25.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that the informant alleges that the petitioner along with four
named accused persons assaulted the nephew of the informant
by bricks and stones, who died during the course of treatment.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged, it would manifest that
the allegation of assault is general and omnibus in nature. No



specific overt act has been alleged against the petitioner and the date of occurrence is dated 20.06.2020, thereafter on 22.06.2020, the deceased gained consciousness and disclosed the occurrence, but no F.I.R. thereafter was also instituted. The deceased died on 23.06.2020 and the F.I.R. came to be instituted on 24.06.2020, as such, it is submitted that there was delay in instituting the F.I.R. without any plausible explanation.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and the allegation of assault is general and omnibus in nature and there is delay in instituting the F.I.R., the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4th-cum-S.D.J.M., Samastipur in connection with Mohiuddinnagar P. S. Case No.108 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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