

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61822 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- KHODAWANDPUR District- Begusarai

1. Deepak Sahni @ Deepak Sahani Son Of Dinesh Sahni @ Dinesh Sahani Resident Of Village- Sahuri, Baraipur, Ward No. 11, P.S.- Khodawandpur, (Chhaurahi O.P.), District- Begusarai.
2. Dinesh Sahni @ Dinesh Sahani Son Of Ghuran Sahni @ Ghuran Sahani Resident Of Village- Sahuri, Baraipur, Ward No. 11, P.S.- Khodawandpur, (Chhaurahi O.P.), District- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam
For the State	:	Mr. Awadhesh Kumar Singh
For the Informant	:	Mr. Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and later on, Section 302 of the I.P.C. was also added.

The learned counsel for the petitioners submits that the petitioner no.1 is in custody since 28.06.2021 and petitioner no.2 is in custody since 04.06.2021, they are persons with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioners further submits



that the informant alleges that the petitioners came at Kurna Jalkar and started abusing her husband for no reason and when her husband objected, they assaulted her husband by lathi causing injury on his head and threatened not to lodge a case. Further, the matter was tried to settle at Panchayati, but the petitioners did not appear and thereafter, the case was instituted.

The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence, but still she has alleged that as she had seen the occurrence and had seen the petitioners committing the occurrence. The learned counsel further submits that it absolutely does not stand to reason that if an occurrence would have been committed, then promptly a case would have been instituted and the informant or her family members would not have gone for a Panchayati. It is thus submitted that the conduct of the informant and her family members in itself demonstrates that the occurrence was not a criminal act rather it appears that there was some dispute between the parties. The learned counsel further submits that the son of the deceased's statement was also recorded by the police and he in his statement has not even whispered about petitioner no.2 in the occurrence.



Learned counsel for the informant as well as learned A.P.P. opposes the bail application and submits that two eye witnesses, whose statement have been recorded at Paras-7 and 8 of the case diary, have supported the prosecution case and have stated that the petitioners had assaulted the deceased leading to his death. The learned counsel further submits that even assuming what has been alleged is true without admitting, then the death occurred after more than seven days of the occurrence and the post mortem report clearly records that there is no external injury on the body of the deceased, as such, it is clear that as far as allegation of assault by lathi on head is concerned, gets belied.

Considering the fact that the petitioners are in custody, they are persons with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No.454 of 2021 arising out of Khodawandpur P. S. Case No.104 of 2021.



The application stands allowed.

(Satyavrat Verma, J)

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