

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64814 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Suresh Sahni, S/o- Late Mogal Sahni, R/o- Jakarpura, P.S. - Suryagadha,
Distt. - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Singh, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Suryagadha P.S. Case No. 54 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the husband of the informant was called out by this petitioner for catching fish and the petitioner along with other co-accused persons throttled the husband of the informant to death and put the dead body under soil in a ditch.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no eye-witness to the alleged occurrence and petitioner has been named in this case merely on suspicion. There has been previous enmity between the parties in which the brother of the petitioner was killed by the husband of the informant along with other co-accused persons and consequent to that occurrence, the petitioner has been falsely implicated in this case. If there has been previous enmity, there was no occasion for the deceased to accompany the petitioner. The petitioner is aged about 70 years. He is in custody since 08.08.2021 and the charge-sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail. Learned counsel for the informant submits that the witnesses have stated about petitioner running away from the place of occurrence and this fact has also been mentioned in paragraph 6 of the case diary. There is specific allegation against the petitioner that he called out the deceased and took him away. The post-mortem report also shows that death was due to throttling.

Perused the records.

Having regard to the submissions made hereinabove



and considering the fact that no one has seen the occurrence and except for allegation of going with the deceased or running from the place of alleged occurrence, nothing material has come up against this petitioner and further considering the submission of charge-sheet as well as his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Lakhisarai, in connection with Suryagadha P.S. Case No. 54 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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