

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29598 of 2023

Arising Out of PS. Case No.-569 Year-2022 Thana- MINAPUR District- Muzaffarpur

1. Kapildev Sahani @ Kapildew Sahni Son of Rajdew Sahni Resident of village - Dharpur, P.S. - Minapur, Distt. - Muzaffarpur
2. Ajay Sahani @ Ajay Sahni Son of Kapildev Sahani @ Kapildew Sahni Resident of village - Dharpur, P.S. - Minapur, Distt. - Muzaffarpur
3. Vijay Sahani @ Vijay Sahni Son of Kapildev Sahani @ Kapildew Sahni Resident of village - Dharpur, P.S. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Narain Sinha, Adv.
For the Opposite Party/s	:	Mr.Pranav Kumar, APP
For the Informant	:	Mr. Alok Kr. Alok, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners, informant and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Minapur PS Case No. 569 of 2022, registered for the offence punishable under Sections 341,323,147,149,379,506 and 302 of the Indian Penal Code.

3. As per allegation in the FIR, one Virendra Sahni along with seven other persons including the petitioner has assaulted the informant's father by various means leading to his death.

4. Learned counsel for the petitioners, submits that



the petitioners have no antecedents. As per FIR, their implication is apparently based on general and omnibus allegations. The FIR itself manifest subsisting dispute over a passage between the parties. The inquest report also does not corroborate the allegation inasmuch as no injury has been found on the victim, who was aged nearly 70 years and has died a natural death. There is also two days delay in lodging of the FIR which has reached the Court even two days thereafter. The chance of embellishment in the allegation, therefore, also renders the prosecution case doubtful.

5. Learned APP for the State and informant have opposed the prayer for bail. It is submitted that the petitioners are accused by name.

6. Considering the rival submissions, nature of allegations, clean antecedent, delay in lodging of the FIR as also the inquest report, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned CJM Muzaffarpur, in connection with Minapur PS Case No. 569 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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