

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32782 of 2023

Arising Out of PS. Case No.-471 Year-2022 Thana- PAROO District- Muzaffarpur

DAYA SAHANI @ DAYANAND SAHANI SON OF RAM PURAN
SAHANI R/O Village- Basantpur, P.S.- Paroo, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Ms. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 147, 148, 149, 302, 304, 120(B), 504 and 506 of the Indian Penal Code and Sections 25(1-b)a, 26 and 27 of the Arms Act.

3. The informant alleges that two dead bodies were recovered and the same was identified as that of Pankaj and Bhutkun, further body of Pankaj had firearm injury and a pistol was lying near the two dead bodies, it is next alleged that he came to know that Pankaj, Bhutkun along with Ranjeet were returning home after liquor party, when on the way there was an altercation amongst the three and Bhutkun with his pistol shot Pankaj dead and in the meantime nearby people gathered along



with the petitioner who shot Bhutkun to death.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant who is a *chowkidar* alleges that two dead bodies were found lying at the place of occurrence and he came to know later that Pankaj, Bhutkun along with Ranjeet were returning after a liquor party and on account of altercation amongst them Bhutkun shot Pankaj and thereafter people gathered and they along with Ranjeet assaulted Bhutkun to death. The learned counsel submits that informant is not an eye witness to the occurrence nor he has disclosed that who saw the occurrence or the petitioner assaulting Bhutkun, it is next submitted that the entire allegation hinges around suspicion and even presuming what has been alleged is true without admitting then it is not the case of the prosecution that it was only petitioner who along with Ranjeet assaulted Bhutkun to death as it has been alleged that nearby people gathered who assaulted Bhutkun. It is thus submitted that when informant is not an eye witness the entire allegation hinges around suspicion, when petitioner admittedly is a person with clean antecedent.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Paroo P.S. Case No. 471 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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