

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51856 of 2023

Arising Out of PS. Case No.-400 Year-2021 Thana- PAROO District- Muzaffarpur

SHAMBHU SAHNI S/O LATE GAURI SAHNI R/O VILLAGE-
GOKHULA, BHAGWATPUR, P.S- PAROO, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 02-11-2023 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 302/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioner assaulted the informant's son and took him away with them. On 09.10.2021, the informant's son was found near her house in unconscious condition. Thereafter, informant admitted her son to emergency ward where he died during treatment.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He is 68 years old. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally



false and based on concocted facts. The real fact is that the deceased was died due to consumption of liquor. The present case has been filed against the petitioner with a view to harass him. A counter case has also been filed by the wife of co-accused Rambhu Sahani. It is further submitted that the postmortem report has also not supported the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the postmortem report has not supported the prosecution case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Paroo P.S. Case No. 400 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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