

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66546 of 2022

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

Nunulal Sahni Son Of Suresh Sahni R/O Vill.- Jakarpura, P.S.- Suryagarha,
Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Prakash Verma, Adv.
For the Opposite Party/s	:	Ms. Sucheta Yadav, APP.
For the Informant/s	:	Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 13-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Suryagarha P.S. Case No. 54 of 2021 dated 06.03.2021 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution, the informant alleged that her husband was throttled to death by this petitioner along with other co-accused persons and some unknown persons.



The main submissions advanced by petitioner's counsel are that the informant is not an eye-witness of the alleged occurrence and during the investigation the witnesses upon whom the prosecution is relying, simply stated that they saw the petitioner and co-accused persons fleeing near the river and except this, there is no other material against the petitioner to connect him to the alleged occurrence of murder and the petitioner's father namely Suresh Sahni, who is also accused in this matter took the victim with him as per the allegation, has been granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 64814/2021 and admittedly there was an enimical term in between both the parties so the allegations concerned to co-accused Suresh Sahni levelled in the FIR as to taking the victim from the informant's house is unbelievable. Further submission is that against the petitioner there are criminal antecedents of two cases out of which the petitioner has been acquitted in one case and the second case has been lodged by the prosecution party and all the family members of the petitioner have been made accused in the present matter.

Learned counsel for the informant has vehemently opposed the bail prayer and submitted that as per the post-



mortem report, the deceased was throttled at the bank of river and the petitioner and co-accused persons were seen fleeing in suspicious condition and the said circumstance goes against the petitioner.

Learned APP appearing for the State has also opposed the bail prayer but fairly accepted that against the petitioner there is no direct allegation and during investigation witnesses only revealed the suspicious activity of the petitioner near the place of occurrence.

Having regard to the facts and circumstances of this case and mainly the statements of the independent witnesses mentioned at paras 45 and 46 of the case diary and also the privilege of bail having been granted to the co-accused mentioned-above, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Suryagarha P.S. Case No. 54 of 2021, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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