

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75329 of 2022**

Arising Out of PS. Case No.-54 Year-2022 Thana- MANIGACHI District- Darbhanga

1. Mahesh Sahni Son Of Late Ram Prasad Sahni @ Gurkhu Sahni R/V- Nehra Purwi, P.S.- Manigachhi (Nehra O.P.), District- Darbhanga
2. Parmanand Sahni Son Of Late Munai Sahni R/V- Nehra Purwi, P.S.- Manigachhi (Nehra O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 01-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302 and 201/34 of the Indian Penal Code pending in the learned court below.

Prosecution story, in short, is that informant was having an affair with one Shiv Kumar Paswan who she solemnized marriage in which her husband's mother also took part and thereafter informant and her husband residing at the house of Gulab Devi, sister of Shiv Kumar Paswan. It is alleged that on the night of 07.04.2022 when informant went to sleep, Gulab Devi told her not to fasten the door from inside.



Thereafter, between 2:00 and 3:00 a.m. four accused, namely, Amarjeet, Chunchun, Kanhaiya and Sunil came in her room and took her husband with them to a wheat field. The informant followed them and witnessed the murder of her husband at the hands of these four persons. Thereafter informant got frightened and came back to her room for sleeping and when she woke up in the morning she found the dead body of her husband lying beside her.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that petitioners are not named in the FIR. He submits that there is no specific overt act against the petitioners. He further submits that as per the confessional statement the so called allegation of assaulting the deceased prior to his death is not being corroborated by the post-mortem report of the deceased. He submits that the occurrence took place on 07.04.2022 but the present FIR lodged on 11.04.2022 i.e. after delay of more than three days, though the informant is the eye witness in the present case as per the FIR. He further submits that petitioner no.1 has got one criminal antecedent and petitioner no.2 has got no criminal antecedent as stated in para-3 of the bail application.



Learned APP for the State opposes for prayer for bail.

Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioners and there is delay in the filing of the present FIR, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Manigachhi (Nehra O.P.) P.S. Case No.54/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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