

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12054 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

1. Mithu Sahni @ Mitthu Sahni Son of Late Bharat Sahni Resident of Village- Harsher, Ward No.-15, P.S.- Siwaipatti, District- Muzaffarpur.
2. Rani Devi Wife of Mithu Sahni Resident of Village- Harsher, Ward No.-15, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 12-07-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Siwaipatti P.S. Case No. 140 of 2023, registered for the offences punishable under Sections 341, 323, 324, 379, 354, 307, 302, 504, 506/34 of the Indian Penal Code.

3. The allegation against both above named petitioners is to actively participate during alleged occurrence, where co-accused Dinesh Sahni assaulted



with a wooden rod to husband of informant, causing head injuries, leading to his death, where prior to the occurrence, petitioners alongwith other co-accused persons assaulted the family members of the informant after criminal trespass.

4. Learned counsel appearing on behalf of the petitioners submitted that from bare perusal of FIR, it appears that occurrence took place at two different places, first is the house of informant and second is on way, while informant was returning from his agricultural field. It is further pointed out that for first set of occurrence, informant not appears to be eye-witness of the occurrence, where the involvement of this petitioner is alleged, whereas in second and subsequent occurrence, the petitioner was not found present as per the narration of FIR, where co-accused Dinesh Sahni specifically given fatal blow on the head of the husband of informant, causing his death. It is submitted that the allegation is very much general and omnibus against this



petitioner, during the course of occurrence, which took place inside the house, where alleged injury as per report appears simple in nature, denying on its face that same was not sufficient to cause death. While concluding the argument, it is submitted that petitioners are men of clean antecedents.

5. Learned APP opposes the prayer of anticipatory bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact that the allegation of fatal assault is not available against this petitioner rather he was only found present as per narration of FIR during the first set of occurrence, for which the informant *prima facie* appears not the eye-witness of the occurrence, and moreover, during said occurrence, the injured received simple injury, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are



directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., East Muzaffarpur/concerned Court, where the case is pending in connection with Siwaipatti P.S. Case No. 140 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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