

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17309 of 2024

Arising Out of PS. Case No.-246 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Sahdev Sahani Son of Late Sudama Sahani Resident of Village- Dhekaha,
Teliya Tola, P.S.- Kesariya, District- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-05-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Mahammadpur P.S. Case No.246 of 2022 instituted under Section 364, 302/34 of the IPC lodged on 07.10.2022 by the informant Binda Devi.

3. As per the prosecution story, the allegation is that the informant's husband had opposed the accused persons from using electric connection in the river which they were doing to kill the fishes. Her husband was an employee as night guard and use to protest against the said activities. This was resented by the accused persons who assaulted her husband and upon the



arrival of the villagers, he was found dead.

4. Learned counsel for the petitioner submits that they are resident of village Dekhamalahi Tola under Keshariya Police Station. Learned counsel for the petitioner submits that there is omnibus allegations against the accused persons of having assaulted / drowning of the informant's husband, there is no eye witness to the occurrence. He further submits similarly situate co-accused namely, Madadev Sahani has been granted bail by this Court vide order dated 22.08.2023 passed in Cr. Misc. No. 31348 of 2023. The petitioner has remained in custody since 04.10.2023 and he do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that as per the deposition of the witnesses, the prosecution story has been supported by them and the death is due to drowning though the external injury has not been found on the person.

6. To this, learned counsel for the petitioner submits that the informant's husband may have slipped and drowned which was given the colour of killing.

7. Considering the fact that omnibus allegation has been made against the accused persons including the petitioner, he do not have criminal antecedent, remained in custody since



04.10.2023 and will be diligently facing the trial, this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mahammadpur P.S. Case No.246 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, VI, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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