

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39692 of 2024**

Arising Out of PS. Case No.-63 Year-2024 Thana- KOTWALI District- Munger

Arvind Sahni Son of Madhu Sahni Resident at Chandi Asthan, Nishad Tola,
P.S.- Kotwali Basudeopur O.P., Dist.- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Indu Bhushan, Advocate
For the State : Mr. Damodar Prasad Tiwary, APP
For the Informant : Mr. Jyoti Ranjan Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 22-10-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Kotwali (Basudeopur O.P.) P.S. Case No. 63 of 2024 instituted
for the offence under Sections 363 & 365 of the Indian Penal
Code.

3. Prosecution case as emerges from the FIR is that
son of the informant went for fishing with named accused
persons and did not return. On enquiry, the accused persons
stated that after drinking wine they sent back her son to house.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 27-02-2024. Petitioner is a



man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that there is delay of two months in lodging of the FIR. Learned counsel submits that there was no *Sanaha* lodged regarding the occurrence. There is general and omnibus allegation attributed to the petitioner. It is submitted that there is no ingredient of sections 359 & 362 of the IPC and under such circumstances, no case under Sections 363 & 365 of the IPC, respectively, will be made out against the petitioner. There is no eye witness to the occurrence. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Paragraph No.43 of the case diary enumerates that due to dispute regarding fishing with the victim, he was killed by the named accused persons. It is fervently submitted that petitioner has confessed his guilt in his confessional statement.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is



inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali (Basudeopur O.P.) P.S. Case No. 63 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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