

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41158 of 2024

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

Dinesh Sahani Son Of Late Bharat Sahani R/O- Village- Harsgher, South
Ward - 15, P.S.- Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of

the parties.

2. The petitioner seeks bail in connection with

Siwaipatti P.S. Case No. 140 of 2023 registered for the

offence under Sections 341, 323, 324, 379, 354, 307,

302, 504, 506, 34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is

in custody since 27.07.2023.

4. The allegation against the petitioner is to

commit murder of the husband of the informant along

with other co-accused persons where it is specifically

alleged that the assault was made by this petitioner on



the head of the deceased, where he subsequently assaulted by 11 named accused persons, where the occurrence is alleged to be arises out of trivial issues as throwing of water.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is falsely implicated in present case out of trivial issues arises out of neighborhood differences and disputes. It is pointed out that the informant who is the wife of the deceased claimed herself to be an eye witness of the occurrence, who specifically alleged that this petitioner assaulted with wooden rod on the head of her husband causing fatal head injuries. Taking note of the narration of the FIR it is pointed out by the learned counsel that the post-mortem report of deceased which is available in paragraph no. 32 of the case diary nowhere shows any injuries on the head, where cause of death shown as injuries received in abdominal region. It is submitted that alleged subsequent assault which appears fatal, as



per post-mortem report appears very much general and omnibus against 11 named accused persons including petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the facts and circumstances as aforesaid and by taking note of the fact as the informant being an eye witness, alleged petitioner to cause head injury to deceased, which is appearing contradictory to the finding of the post-mortem report as discussed above, coupled with fact that charge-sheet has already been submitted where petitioner is in custody since 27.07.2023, accordingly, let the petitioner, above named, is directed to be released on bail in connection with Siwaipatti P.S. Case No. 140 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction
of learned Sub-Divisional Judicial Magistrate, East
Muzaffarpur, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

