

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46867 of 2024

Arising Out of PS. Case No.-22 Year-2013 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Mahendra Sahni Son of Mahendra Sahni Resident of Vill/Mohalla- Balughat,
P.S.- Muzaffarpur Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Suruchi Anand
		Ms. Nidhi Anand
For the Opposite Party/s :		Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 212-08-2024
1.

Heard learned counsel for the petitioner and learned A.P.P. for the State.
2.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.
3.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that her husband works in the cowshed of the petitioner and on 13-1-2013 as usual her husband had gone to the house of the petitioner for work. It is next alleged that five days earlier to the death of the informant's husband, brother of the petitioner, namely, Upendra Sahni, had instructed the deceased to take his wife to the hospital, but the deceased refused, on account of



which Upendra Sahni assaulted her husband. It is next alleged that on 14-1-2013, the informant got an information that her husband was killed and his body was thrown near a stadium, accordingly she went to the place of occurrence where the police had reached from before and the body was already sent for post-mortem prior to the informant's arrival, thus based on suspicion, it is alleged that the petitioner and his brother killed in order to save money and other reasons.

4. Learned counsel for the petitioner submits that from perusal of allegation as alleged in the FIR, it would manifest that the entire allegation hinges around suspicion. It is next submitted that informant is not an eye-witness to the occurrence. It is further submitted that even presuming what has been alleged is true without admitting then the allegation of assault prior to death of the deceased is alleged against Upendra Sahni, who is brother of the petitioner. It is next submitted that no specific allegation is alleged against the petitioner that he at any point of time had misbehaved with the deceased while he was working with him. It is also submitted that Upendra Sahni, the brother of the petitioner, had moved this Court seeking anticipatory bail by filing Cr. Misc No. 21352 of 2018 and the same was alleged by a learned Coordinate Bench by an order



dated 23-5-2018. It is also submitted that from perusal of order dated 23-5-2018 in Cr. Misc No. 21352 of 2018, it would manifest that the same records – "*the Doctor has found no ante-mortem injury, internal or external and the Viscera was preserved.*" It is also submitted that investigation in the case is still continuing.

5. It is next submitted that petitioner has approached this Court belatedly but then the brother of the petitioner against whom it is alleged that he had assaulted the deceased prior to his death has been granted privilege of anticipatory bail by a learned Coordinate Bench. It is also submitted that petitioner will not abscond rather will cooperate in the investigation and trial.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Muzaffarpur Town P.S. Case No. 22 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner, further if the charge-sheet is submitted and thereafter the learned trial court comes to a conclusion that petitioner, since being released on anticipatory bail, is trying to delay the trial in any manner, in that event also, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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