

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67388 of 2024

Arising Out of PS. Case No.-308 Year-2022 Thana- TAJPUR District- Samastipur

1. Birekhi Sahni @ Virekhi Sahni @ Ram Brikh Shani Son of Late Kashi Sahni Resident of village- Darwa Tola, Akauna, PS- Tajpur (Halai O.P.), District- Samastipur
2. Anil Kumar Sahni @ Anil Sahni Son of Dharmendra Sahni @ Dharminder Shani @ Dharminder Sahni Resident of village- Darwa Tola, Akauna, PS- Tajpur (Halai O.P.), District- Samastipur
3. Aman Kumar Sahni Son of Dharmendra Sahni @ Dharminder Shani @ Dharminder Sahni Resident of village- Darwa Tola, Akauna, PS- Tajpur (Halai O.P.), District- Samastipur
4. Soni Kumar @ Soni Kumari @ Sanni Kumar Son of Dharmendra Sahni @ Dharminder Shani @ Dharminder Sahni Resident of village- Darwa Tola, Akauna, PS- Tajpur (Halai O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 18-12-2024 1. Heard learned counsel for the petitioners and Mr. Rabindra learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 30.06.2022 his brother went to his matrimonial house and when he reached there his in-laws started demanding money and even assaulted him and snatched the keys of the



motorcycle. Accordingly, the brother of the informant called and informed the informant about the occurrence, hence, the informant reached the place of occurrence but his brother was missing. It is next alleged that at 05:00 a.m. informant found the dead body of his brother hanging on a tree in a bamboo orchard thus based on suspicion alleged that petitioners have committed the occurrence.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant based on suspicion. It is further submitted that it absolutely does not stand to reason that as to why the petitioners would have committed the occurrence when brother of the informant was married to the granddaughter of the petitioner no. 1. It is next submitted that the father-in-law of the deceased has not been made an accused in the case. It is also submitted that petitioners are grandfather and uncle of the wife of the deceased.

5. Learned counsel for the petitioners fairly submits that on the date of occurrence, the father-in-law of the deceased was not present in the house.

6. Mr. Rabindra Kumar, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the allegation as alleged in the FIR,



it would manifest that there is a specific allegation that brother of the informant had gone to his matrimonial house and from there he had informed that he was assaulted and keys of his motorcycle snatched and his in-laws were demanding money. It is further submitted that the dead body of the brother of the informant was also found hanging from a tree in a bamboo orchard. Learned A.P.P. thus submits that no doubt informant is not an eyewitness to the occurrence and based on suspicion, the FIR has been instituted but then what is not disputed rather stands admitted is that the brother of the informant was killed. It is next submitted that if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond and tamper with the evidence on which learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending/successor court in connection with Tajpur (Halai O.P.) P.S. Case No. 308 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is made clear that if the charge-sheet is submitted connecting the petitioners with the offence then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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