

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71192 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- HATHAURI District- Samastipur

Dasrath Sahni @ Dasarath Sahani @ Dashrath Sahni, Son of Mahabir Sahni
@ Mahavir Sahani R/o Village-Kaunchi Shivajinagar, P.S.- Hathauri, District-
Samastipur (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Pritam Priyadarshi, Advocate
		Mr. Madhav Kumar, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Navin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel appearing on behalf of the informant.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Hathauri P.S. Case No.77
of 2023 registered under Sections 302 read with 34 of the Indian
Penal Code.

3. Allegation against the petitioner is to commit murder of
husband of informant along with other co-accused persons, where
occurrence took place out of previous enmities arises out of land
dispute.

4. It is submitted by learned counsel appearing on behalf
of the petitioner that the petitioner has been falsely implicated with
present case. It is further submitted that informant is not the eye



witness of the occurrence and entire allegation against the petitioner was raised out of suspicion only for the reason that husband of informant was running a mobile repairing shop on rental basis in a wooden stall owned by petitioner. While concluding argument, learned counsel submitted that the petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer of bail submitted that the prayer for regular bail of similarly situated co-accused, namely, Vikash Kumar has already rejected by one of the learned co-ordinate Bench of this Court vide order dated 12.10.2023 passed in Cr. Misc. No.64816 of 2023. It is submitted further that petitioner called the deceased from his home on last occasion.

6. In view of aforesaid facts and circumstances, as the allegation of last seen is specifically available against this petitioner, where prayer of bail of similarly situated co-accused person has already rejected by one of the learend co-ordinate Bench of this Court, accordingly, the prayer of anticipatory bail of the petitioner is rejected herewith.

(Chandra Shekhar Jha, J.)

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