

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79394 of 2024**

Arising Out of PS. Case No.-1260 Year-2023 Thana- AHYAPUR District- Muzaffarpur

Ravi Kumar S/o Dinesh Sahni R/o Akharaghat Road, Behind Om Building,
Shekhpur, P.s. - Ahiyapur, Distt.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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

ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 09.08.2024 passed in Cr. Misc. No. 48091 of 2024.

3. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1260 of 2023 instituted for the offences under Sections 302 & 120(B) of the Indian Penal Code.

4. As per prosecution case, in short, is that on the alleged date and time of occurrence, the accused persons including the petitioner killed the Informant's brother-in-law by slitting his throat after hatching conspiracy.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to land dispute. He submits that the specific and direct allegation of slitting the throat of the deceased with Dabiya is on the co-accused Dinesh Sahni and the allegation against the petitioner is merely of holding the deceased. Though the Informant claims herself to be the eye-witness to the occurrence but, the time of occurrence was at 9.30 PM and it is impossible to clearly see the incident or accurately identify each of the accused persons at that time. From the F.I.R., it appears that the Informant rushed to the place of occurrence after hearing the sound and, therefore, it is clear that the Informant is not the eye-witness to the alleged occurrence. Further, the statement of the three children, who were sleeping on the same bed with the deceased, was not taken which creates doubt in the prosecution case. There is also no intention of the petitioner to commit such an offence. The petitioner has six criminal antecedents and, in all the cases, he is on bail and is languishing in judicial custody since 09.09.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits



that several co-accused persons viz. Raju Rai @ Raj Kumar, Nandu Sahni @ Nandu Kumar @ Abhishek, Upendra Sahni, Sitaram Sahni, Jhapas Sahni, Ravi Kumar @ Kashi @ Ravi Sahni and Arun Sah have been granted bail by this Court vide orders dated 11.03.2024, 05.03.2024, 05.03.2024, 03.04.2024, 03.04.2024, 28.06.2024, 30.08.2024 passed in Cr. Misc. Nos. 14674 of 2024, 13600 of 2024, 13583 of 2024, 24404 of 2024, 26520 of 2024, 40447 of 2024 and 63271 of 2024 respectively.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and the offence alleged against the petitioner is serious in nature. There is direct and specific allegation against the petitioner of slitting the throat of the deceased Ganur Sahni with Dabia with an intention to kill him. From perusal of the case diary, it appears that several witnesses in Para- 5, 8, 9, 10, 11 and 12 of the case diary have supported the prosecution case. The postmortem report of the deceased shows the death of the deceased due to injury caused by a sharp weapon and, thus, fully supports the prosecution case. The petitioner has six criminal antecedents and, hence, he does not deserve bail. The I.O. after completion of investigation has submitted charge-sheet against the petitioner under Sections



302/120B of the I.P.C.

8. Having heard rival contention of both the parties and considering the nature and gravity of the offence as also there being direct and specific allegation against the petitioner of slitting the throat of the deceased by means of Dabia, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

rishi/-

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

