

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83523 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- MADHUBAN District- East Champaran

1. Parvati Devi Wife Of Kavilash Sahani R/O Village- Bahuara Bhan, P.S.- Madhuban, District- East Champaran
2. Kavilash Sahani Son Of Late Ramesh Sahani R/O Village- Bahuara Bhan, P.S.- Madhuban, District- East Champaran
3. Rekha Devi @ Rekha Kumari D/O Late Sukhari Sahani R/O Village- Bahuara Bhan, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

Mr. Hemand Ray & Mr. Sharad Kr. Verma, Adv.

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Sections 341, 323, 302, 504/34 of the Indian Penal Code.

As per allegation in the FIR, while the informant was enjoying bonfire outside his door, several accused persons including the petitioners came there laced with weapons and started to assault the informant's wife on her head as a result of which she died on spot. It is further alleged that when the informant and his grand-daughter came there to rescue the



deceased, they were also being beaten by all the accused persons.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to old land dispute. General and omnibus allegation of assault has been levelled against all the accused persons . It is further submitted that as per postmortem report, cause of death is Cardio Pulmonary Arrest due to chronic lungs problem and doctor has not found any ante-mortem injury on the person of the deceased. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 3.11.2021 passed in Cr. Misc. No. 44672 of 2021. During investigation, no consistent material has come against the petitioner to show his involvement in the present case. Petitioners have got no criminal antecedent and they are languishing in judicial custody since 20.09.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sadar, Motihari, East Champaran in connection with Madhuban P.S. Case No. 26 of 2021.

(Sunil Kumar Panwar, J)

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