

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3646 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- DURAULI District- Siwan

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1. Mukesh Sahani S/O Kedar Sahani Resident of Village - Gauri, P.S- Darauli, Dist- Siwan.
 2. Rajnish Sahani @ Rajnish Kumar S/O Kedar Sahani Resident of Village - Gauri, P.S- Darauli, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Adv.
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Ms. Deepika Sharma, Adv.
		Mr. Rajat Kumar Tiwary, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 28-07-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201, 120(B) of the Indian Penal Code.

3. The allegation in the FIR arising out of a complaint is that the deceased, the nephew of the informant, who was in a relationship with accused no.1, has been done to death.

4. Learned counsel for the petitioners, at the outset, submits that the present case arises out of a complaint which was sent for institution of FIR under Section 156 (3) of the Cr.P.C. and that too for an incident which occurred on 16.10.2021, whereas the present complaint was lodged on 25.01.2022 and thereafter, the FIR was



instituted on 16.02.2022. It is further submitted that there are no specific dates mentioned in the entire complaint and so far as the petitioners are concerned, there is no specific allegation as against them. However, the complaint is somewhat specific against accused nos.1, 4 & 5 as would appear from the complaint petition itself. It is next submitted that since the petitioners are brothers of accused no.1 with whom the deceased is said to have had an illicit relationship, it is on account of such reason that they have been made accused in the present case. It is also submitted that some of the witnesses, who have been examined during the course of investigation, have stated that accused no.1 had come to stay along with the deceased in their house for 6-7 days and they did not find anything suspicious.

5. Learned APP for the State and learned counsel appearing for the informant, however, strongly oppose the prayer for anticipatory bail on the ground that this is a case in which the deceased has been done to death and even his dead body is traceless. It is further submitted on behalf of the informant that during the course of investigation, one of the co-accused Jai Bahadur Sahani has stated about the complicity of these petitioners also with regard to conspiracy in this crime.

6. Considering the rival contentions made by both the parties and also taking into consideration the delay and the fact that no



specific allegation has been attributed against these two petitioners, I am inclined to grant the privilege of anticipatory bail to the petitioners having clean antecedent. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Darauli P.S. Case No. 44 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. However, considering the special fact of the case that the dead body of the deceased is also not traceable, the petitioners are directed to appear before the Investigating Agency as and when required and would extend wholehearted support in the investigation of the case till it is concluded and in case, any point of time, it is found that the petitioners are not cooperating in the investigation, the prosecution will be at liberty to file an application for cancellation of bail bonds of the petitioners before the learned Court below.

(Soni Shrivastava, J)

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