

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5403 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Ajay Sahni S/o Rupan Sahni R/o Mahmadpur Sakra, Bibhutipur, P.S.-
Samastipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Neetu Jha, Advocate
For the State	:	Mr.Ajay Kumar Jha, APP
For the Informant	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner as well as

learned APP for the State and learned counsel appearing on

behalf of the informant.

2. In the present case, the petitioner seeks bail in

connection with Bibhutipur P.S. Case No. 92 of 2024 registered

for the alleged offences under Sections 328/302 of the Indian

Penal Code.

3. As per prosecution case, the petitioner demanded

Rs.50,000/- from the father of the informant which was refused

by the father of the informant and thereafter, the petitioner asked

the father of the informant to accompany him to his poultry

farm and they went there. When the informant reached his land

after sometime, he found his father lying down on his land and



thereafter, he and other persons took his father to treatment and his father disclosed that perhaps the petitioner has administered him poison. While being taken for treatment, the father of the informant died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For the occurrence of 15.03.2024, the FIR has been registered on 19.03.2024. Learned counsel further submits that the father of the informant was a habitual drinker and died to excessive intoxication and for this reason nothing has come in the postmortem report and viscera has been preserved. From the FIR itself it is clear that there was cordial relationship between the father of the informant and the petitioner and it is highly improbable for Rs.50,000/- someone will kill another person. Moreover, no one has seen the father of the informant going with the petitioner to his poultry farm though it was broad day light. Learned counsel further submits that till date no report of viscera has been submitted and except suspicion there is nothing on record to show complicity of the petitioner in the alleged murder. The petitioner is in custody since 27.08.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.



5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner administered poison to the father of the informant. The informant reported the matter to the police on the same day and police came and took the deceased for postmortem and after postmortem the FIR was lodged.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging of the FIR that too after postmortem and further considering the submission of charge, clean antecedent of the petitioner and period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Rosera, Samastipur/concerned Court in connection with Bibhutipur P.S. Case No. 92 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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