

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21456 of 2025

Arising Out of PS. Case No.-262 Year-2024 Thana- AURAI District- Muzaffarpur

1.

Ganga Sahni Son of Late Narayan Sahni Resident of Village - Yogiya, P.S. - Aurai, District - Muzaffarpur
2.

Pukar Sahni Son of Chhote Sahni Resident of Village - Yogiya, P.S. - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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06-08-2025

Heard learned counsel for the petitioners and learned APP for the State.

02. In the present case, the petitioners seek bail in connection with Aurai P.S. Case No. 262 of 2024 registered for the alleged offences under Sections 105, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the son of the informant went to visit a fair in a nearby village and next day, the informant came to know that his son died and was taken to SKMCH Muzaffarpur for postmortem. The name of the petitioners transpired during investigation for being involved in killing of the son of the informant.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The informant did not name the petitioners or any other person or even did not mention the cause of death. In fact, the deceased went to steal the tractor of the petitioners and was caught though his associates fled away from the spot. The son of the informant was tied with a Tempo and his family members were informed from the mobile phone of the deceased, who stated that they would come there in the morning. While the son of the informant was kept tied with the Tempo, the villagers came to know about such act in the morning and they gave sound thrashing to the son of the informant, who subsequently died. There is no eye witness who might have seen the petitioners assaulting the son of the informant. If the son of the informant died due to assault, the petitioners have no role as he was assaulted by the villagers. The petitioners are in custody since 15.12.2024 and charge-sheet has been submitted. The petitioners are having clean antecedent.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



vague nature of allegation against the petitioner and further considering the absence of material against the petitioner to connect them with the offence as alleged and also considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (East)/court concerned in connection with Aurai P.S. Case No. 262 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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