

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37770 of 2025

Arising Out of PS. Case No.-379 Year-2022 Thana- MADHUBAN District- East Champaran

Brahamdev Sahani son of Sakal Sahani Resident Of Village -Hardiya Tola,
Kansh Pakari, Ps -Madhuban, Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate

For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-08-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. As per prosecution case, informant, namely
Radhika Devi, alleged that on 04.09.2022 at about 10 PM,
Helna Jojo informed her son Mithilesh Sahni on phone that
some persons were attacking his father. It is further alleged that
when Mohan Sahni and others rushed to the spot, they found
that all the accused persons named in the F.I.R., including this
petitioner, had committed the murder of husband of informant
by cutting his neck and wrist with knife. It is further alleged that
prior to this occurrence, petitioner and others had threatened to



kill the deceased.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. Informant is not eye-witness to the occurrence and one Helna Jojo, who had informed informant's son on phone about the alleged occurrence, has not whispered the name of any accused person. Only suspicion has been raised against the petitioner due to land dispute and previous enmity. Save & except suspicion, there is no material against this petitioner. It is further submitted that similarly situated co-accused person, namely Chhotu Kumar, has already been granted privilege of anticipatory bail by this Hon'ble Court vide order dated 10.07.2025 passed in Cr. Misc. No. 66758 of 2024. Petitioner is in custody since 07.02.2025. Moreover, charge-sheet has already been submitted.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of accusation, claim based on parity and period of custody, the prayer for grant of bail to the petitioner is allowed.

7. Accordingly, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sadar, Motihari, East Champaran in connection with Madhuban P.S. Case No. 379 of 2022.

(Prabhat Kumar Singh, J)

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