

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79422 of 2024

Arising Out of PS. Case No.-165 Year-2020 Thana- MOTIPUR District- Muzaffarpur

1. Laldeo Sahni Son of Keshwar Sahni
2. Kavindra Sahni Son of Laldeo Sahni
3. Upendra Sahni Son of Laldeo Sahni
All resident of Village - Mahwal, P.S. - Motipur, District - Muzaffarpur
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 17-01-2025

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Motipur P.S. Case no.165 of 2020 registered for the offence punishable under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that while his son was sitting at darwaza of his house, the eleven named accused persons including the three petitioners herein came variously armed. It is stated that the informant's son was kidnapped by the accused, killed and his dead body was thrown on the railway line.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. From the FIR itself, it would be evident that there is no specific



allegation against them. The allegations are general and omnibus in nature. There is an unexplained delay of two days in lodging of the FIR. Other co-accused have been enlarged on bail. Further referring to the statement made in paragraph no.9 of the petition, it is submitted that the petitioners being poor persons, they were outside of their house in connection with their livelihood and thus the delay in filing the application for anticipatory bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners who are named in the FIR, the allegation of the accused being assailants, death of the son of the informant taking place as a result of assault by the accused persons together with the delay of almost four years in moving the application for anticipatory bail, the Court is not inclined to allow the instant application and the same is rejected.

7. The petitioners are directed to surrender in the learned trial Court within a period of four weeks.

(Partha Sarthy, J)

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