

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88352 of 2024

Arising Out of PS. Case No.-343 Year-2024 Thana- NAANPUR District- Sitamarhi

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Bechan Sahani S/o Bindi Sahani R/o Village- Mahisautha (Dumri Tola), Bela
Tole, PS- Bokhara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sandeep Jha, Advocate
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 22-03-2025 Heard Mr. Sandeep Jha, learned counsel for the

petitioner, Mr. Surendra Prasad Singh, learned APP for the

State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 103 and
61(2) of the B.N.S.

3. The case of the prosecution is that regarding the
death of the deceased first of all one U.D. case was filed in
which the wife of the deceased has stated that on 14.07.2024
when she woke up from her bed she found that her husband
was not there. She came to know that he has gone to ease
himself at 4:30 AM and after that she indulged in household
work. At 5 PM she received an information that the dead body



of her husband was found in a ditch. This U.D. Case was filed on 14.07.2024. On 21.07.2024 the son of the deceased has filed an FIR in which he has stated that when he was wandering the village, he came to know that on 13.07.2024 this petitioner was seen with his father going towards *gachchi* and that his father did not return in night and the body of the deceased was found in a ditch from that *gachchi*. He has further stated that his younger brother was threatened by Chandrakishore Sah that his father will be killed if the illicit relation with his daughter is not stopped. He has further stated that the villagers have disclosed him that on the evening, the father of the informant, Bechan Sahani and Ram Kumar Rai had eaten something together. Bechan Sahani (petitioner) was quite familiar with his father and he used to call his father at his house for feeding.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He further submitted that U.D. case which was filed on 14.07.2024 is the first version of the occurrence. The FIR which has been filed by the son of the deceased is the second version of the occurrence. From perusal of the U.D. case, it transpires that the first version of the prosecution is that the wife of the deceased when woke up, she



did not find the deceased and she came to know that the deceased had gone to ease himself at 4:30 AM it means that in the night of 13.07.2024 the deceased was very much at his home and he had gone to *gachchi* in the morning and later on he was found dead there. The second version the FIR is contradicting with the first version of the prosecution. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.07.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail. Learned counsel for the informant has submitted that from perusal of the diary in paras- 7, 8 and 9 which go to show that witnesses have seen the deceased with the petitioner at 9:30 PM on 13.07.2024 and after that the deceased was found dead in a ditch.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nanpur P.S. Case No. 343 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned S.D.J.M., Sitamarhi.

(Ashok Kumar Pandey, J)

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