

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11250 of 2026

Arising Out of PS. Case No.-337 Year-2024 Thana- KANTI District- Muzaffarpur

RAHUL KUMAR S/o- Pravesh Sahni @ Ram Parvesh Sahani R/v- Pakri Ps-
Kanti Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 08-07-2026 Heard Mr. Rahul Kumar Singh, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with **Kanti P.S. Case No. 337 of 2024** for the offence under sections 137, 140(3) and 3(5) of the BNS lodged on 08.07.2024 by the informant, Krishna Devi.

3. The informant, Krishna Devi alleged that the named accused persons, including the petitioner, came to her house and took her husband for consuming '*toddy*'. As he failed to return, she inquired but was only given assurances and anticipating something wrong, the FIR.

4. In this case, the investigation took place and the Dy.S.P., Muzaffarpur East in his supervision note dated 07.08.2024, after recording the facts of the FIR, found the case



to be true. It stands recorded in **paragraph 24** of the case diary.

5. The supervision note clearly shows that the Dy.S.P. has not applied his mind inasmuch as not a single line has been recorded about how he came to the conclusion and records that the case has been found to be true.

6. In the present case, the Coordinate Bench of this Court on **06.05.2026** asked the Superintendent of Police, Muzaffarpur to submit a report, as to why, the victim has not recovered till date.

7. This followed the affidavit on behalf of the Senior Superintendent of Police, Muzaffarpur duly put on affidavit by the Cyber Dy.S.P., Muzaffarpur and it is important to incorporate paragraph nos. 9 to 12 which read as under:

9. That it is humbly submitted that the Senior Superintendent of Police, Muzaffarpur vide order contained in Memo No. 802 dated 09.05.2026 constituted a Special Investigating Team (SIT) to recover the abducted husband of the informant and ensure recovery of the victim and also directed the Deputy Superintendent of Police, West-01, Muzaffarpur to submit a report with regard to effort taken for recovery of husband of



the informant.

10. That pursuant to aforesaid direction the Deputy Superintendent of Police, West-01, Muzaffarpur submitted a detail report to the Senior Superintendent of Police, Muzaffarpur vide Letter No. 2610 dated 26.05.2026 stating therein as follows:-

i) During course of investigation the Investigating Officer received a secret information that the authorities of some police stations went to the house of abducted husband of the informant to execute an order of attachment of property then the informant produced a certificate issued in the letter pad of Kachahari Dhamauli, Ramnath East in which it was mentioned that the abducted Sakaldev Sahni was died and the process of attachment of property was stopped. It has also been told that the abducted Sakaldev Sahni, along with his associates Bunji Sahni and Shyam Paswan, had gone to Village Bishunpur under Jujharpur Police Station to commit robbery at the house of Shashi Kumar Sharma @ Vakil Sharma. During the course of the



alleged robbery, Shashi Sharma was apprehended by Bunji Sahni and Shyam Paswan. When Shashi Kumar Sharma's wife Pinki Devi objected and abused them, both Pinki Devi and Sakaldev Sahni abducted died at the place of occurrence. Thereafter, Bunji Sahni and Shyam Paswan allegedly fled with the dead body of Sakaldev Sahni and, after travelling some distance, tied a stone to the body and threw it into the Bagmati River.

(ii) The Investigating Officer contacted the informant Krishna Devi and inquired about her husband, the abducted Sakaldev Sahni. She stated that on the day of the occurrence she was eating mangoes at her house along with her husband. At about 1:00 p.m., Bunji Sahni and Shyam Paswan came to their house and took her husband away on the pretext of going somewhere. When her husband did not return till late at night, she telephoned Bunji Sahni, who told her that he would return shortly.

On making further inquiries, Bunji Sahni informed her that Sakaldev Sahni had become



unconscious after consuming liquor and, while being taken to Muzaffarpur in a vehicle for treatment, he was admitted to a hospital. When she asked the name of the hospital, Bunji Sahni gave evasive replies and stated that the doctor was not allowing anyone to meet him. Thereafter, their mobile phones remained switched off for several days. When she later contacted them, she was informed that her husband had died during treatment. When she requested that the dead body be brought home, she was told that the body had already been cremated. Upon learning of the death, she repeatedly requested to see the body, but the hospital's name was never disclosed. Subsequently, she obtained information through a letter written by the present Mukhiya (Village Head) Ramesh Kumar Ram.

(iii) The Investigating Officer also contacted the Officer-in-Charge of Jujharpur Police Station and inquired about Pinki Devi who was allegedly died with the abducted Sakaldev Sahni in the robbery. The Officer-in-Charge, after



examining the records, informed that an occurrence had taken place on the night of 04/05 July 2024 at about 12:15 a.m., regarding which Jujharpur P.S. Case No. 116/2024 dated 05.07.2024 was registered under Section 310(3) of the Bharatiya Nyaya Sanhita. During investigation, accused Bunji Sahni and Shyam Paswan were arrested and remanded to judicial custody. Their confessional statements were recorded.

(iv) The Investigating Officer then visited Village Bishunpur and reached the house of Shashi Kumar Sharma @ Vakil Sharma. On inquiry from Shashi Kumar Sharma, his father Binod Sharma, Pinki Devi's father Dinesh Sharma, and other local villagers, it has been told that on the night of the occurrence, at about 12:30 a.m., approximately 8-10 criminals suddenly entered the house and began committing robbery. They allegedly looted cash amounting to ₹1,20,000 kept in the house.

(v) Thereafter, the criminals allegedly attempted to snatch Pinki Devi's ornaments. When she resisted, the criminals opened fire. As a result,



Pinki Devi and one of the criminals sustained gunshot injuries and both died at the place of occurrence. The remaining criminals fled from the spot. A short while later, when the family members came out of the house after opening the door, the criminals again appeared, picked up the deceased criminal who had sustained the gunshot injury, and fled away with his body. Subsequently, the family informed the police. The police arrived, conducted the post-mortem examination of Pinki Devi, and instituted the case. About one or two months later, pickniupa they came to know that the criminal who had died due to the gunshot injury was Sakaldev Sahni, whose residence falls within Kanti Police Station area at Kalwari.

(vi) The Investigating Officer further contacted Ramesh Ram, the Present Mukhiya of Gram Panchayat Dharmoli Ramanath Purvi, and inquired about Sakaldev Sahni. He stated that in the year 2025, Sakaldev Sahni's wife Krishna Devi approached him and informed him that she required her husband's death certificate for



obtaining widow pension benefits. Upon being asked about her husband's death, she stated that he had gone outside for work and had died there. Local Sak dry villagers had also informed him that Sakaldev Sahni had died in the year 2024. After satisfying himself regarding the facts, he issued a death certificate of Sakaldev Sahni on the basis of her application.

(vii) The Investigating Officer also inquired from the informant and the source regarding the use of a mobile phone by the abducted Sakaldev 200 Sahni. Both stated that he was illiterate and did not possess or use any mobile phone.

11. That it is humbly submitted by the deponent that from the materials collected during course of investigation it appears that the husband of the informant was died while he along with other miscreants was committing robbery and his dead body was disappeared by his associates. The informant has also obtained the Death Certificate of her missing husband.



12. That the investigation is pending for recovery of abducted Sakaldev Sahni.”

8. The affidavit filed by the SSP, Muzaffarpur clearly show that the informant's husband as also the other accused persons were involved in a 'dacoiti' which resulted in lodging of the **Jujharpur P.S. Case No. 116 of 2024** dated **05.07.2024** and in the alleged firing, the husband of the informant was injured/succumbed to the injuries. The accused subsequently fled away with the dead body. It was only two months later that the Police came to know that the criminal who died earlier was the husband of the informant, Sakaldev Sahani. The SSP, Muzaffarpur further has recorded that the investigation is still on.

9. As the investigation is on, this Court refrains from commenting on the merit of the case but the SSP, Muzaffarpur will have to examine the role of the Dy.S.P., Muzaffarpur East inasmuch in a very casual manner, he found the case to be true and directed that all the accused persons be immediately arrested. He has completely abdicated his duty for which an Officer are appointed. The counter-affidavit of the SSP, Muzaffarpur clearly puts the Dy.S.P., Muzaffarpur East in a very bad light.



10. So far as the present case is concerned, learned counsel for the petitioner has referred this Court to various bail applications to demonstrate that several innocent persons remained in custody for a considerable period before being granted bail. He submits that in **Cr. Misc. No. 46878 of 2025 (Bhujangi Sahni vs. The State of Bihar)**, the Coordinate Bench, vide order dated **26.11.2025**, observed in paragraph 4 that **Sakaldeo Sahani**, the husband of the informant, was a dacoit and had sustained a gunshot injury while committing dacoity, which ultimately resulted in his death. Relief was accordingly granted to Bhujangi Sahni.

11. Learned APP, Mr. Jitendra Kumar Singh who is appearing in this case submits that when the SSP, Muzaffarpur himself has recorded in the affidavit that the investigation is on and has given a different version so far as the death of the husband of the informant is concerned, he refrains from opposing the present anticipatory bail application.

12. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent, the facts arising out of investigation have already been recorded, this Court deems it fit and proper to extend the petitioner the privilege of anticipatory bail with conditions.



13. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate (west)(ACJM-I), Muzaffarpur/concerned Court in connection with Kanti P.S. Case No. 337 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

14. Let a copy of this order be sent to the office of the Senior Superintendent of Police, Muzaffarpur, for his perusal and necessary action. In the opinion of this Court, the Deputy Superintendent of Police, Muzaffarpur East, requires proper training in submitting his supervision notes in such investigations. It is the solemn duty of the Supervising Officer to ensure that while the guilty are sent up to face the trial, simultaneously, he/she also have to see that the innocent persons are not subjected to humiliation/trial/jail.

15. This Court would like to put on record its word of appreciation for Mr. Rahul Kumar Singh, learned counsel for the petitioner for assisting the Court which resulted into taking the case to its logical conclusion.

(Rajiv Roy, J)

Adnan/-

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