

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48476 of 2013

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1. Kedar Sahani
2. Dhamendra Sahani Both Sons Of Kamal Kishor Sahani @ Sathu Sahani
Resident Of Village - Raghaiee, P.S. Siwaipatti, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 29-11-2013 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking bail in connection with Siwaipatti P.S.Case no. 73 of 2013 for the offences punishable under Sections 302 and 120(b)/34 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Muzaffarpur.

In the FIR there is direct allegation against the petitioners that at about 12.30 these petitioners and others entered into the house and killed the father of the informant, which was witnessed by the informant. Cause has been shown of not paying the extortion amount.

Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in this case and they have clean antecedent. Learned counsel for the petitioners further submits that the witnesses who have been examined by the police did not support the prosecution case and the name of the petitioners did not surface in the earlier case of payment of extortion amount. The petitioners have been working in Mumbai and had come to their village home for marriage.

There is direct allegation against the petitioners and that too witnessed by the informant at the mid night. Only the informant was there at the place of occurrence and he is the best witness to give the description of the event. Any other witness would be hear say witness.

In that view of the matter this court is not inclined to grant bail to the petitioner. The prayer for bail of the petitioners is rejected at this stage.

(Shivaji Pandey, J)

singh/-