

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77917 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- KOTWALI District- Munger

Kishor Sahni Son of Basant Sahni Resident of Village/Mohalla- Chandi Sthan
Godhi Tola, P.S.- Kotwali (Basudeopur, Distt.- Munger)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjai Kumar Singh
For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Kotwali P.S. Case No. 63 of 2024 instituted for the offences

under Sections 363, 365, 302, 201, 34 of the Indian Penal

Code.

3. As per prosecution case, the son of the

Informant went for fishing with named accused persons but,

did not return. On enquiry, the accused persons stated that

after drinking wine, they sent back her son to house.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no eye-witness to the alleged occurrence. The police after completion of investigation submitted charge-sheet under Sections 302, 201/34 of the I.P.C. against the petitioner. He further submits that the F.I.R. was lodged on 07.02.2024 but, the occurrence has taken place on 07.12.2023 and, there is no plausible explanation for such delay which creates doubts in the prosecution case. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, submitting that the allegation alleged against the petitioner is serious in nature and, hence, he does not



deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kotwali P.S. Case No. 63 of 2024.

(Rudra Prakash Mishra, J)

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