

(2021) 04 PAT CK 0009

Patna High Court

Case No: Criminal Miscellaneous No. 31960 Of 2020

Khudbudiya Sahni @ Khudbudiya
@ Indal Sahni

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: April 6, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 201, 302
- Code Of Criminal Procedure, 1973 - Section 438(2)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Anil Kumar Choudhary, Tapeswar Sharma**Final Decision:** Disposed Of

Judgement

1. The matter has been heard via video conferencing.
2. Heard Mr. Anil Kumar Choudhary, learned counsel for the petitioner and Mr. Tapeswar Sharma, learned Additional Public Prosecutor (hereinafter referred to as the "APP" for the State).
3. The petitioner apprehends arrest in connection with Sadar Khagaria PS Case No. 638 of 2019 dated 16.08.2019, instituted under Sections 302/201/34 of the Indian Penal Code.
4. The allegation against the petitioner and others is of killing the son of the informant.
5. Learned counsel for the petitioner submitted that in the FIR only suspicion has been raised against the petitioner and other co-accused that they

were responsible for the death of the son of the informant whose body was recovered from the boat which was owned by co-accused Sikandar

Sahani that too based on some dispute with regard to fishing 10 days prior to the incident. It was submitted that no information or complain was given

to any authority with regard to any such dispute earlier and that neither is there any eye witness nor any witness has stated with regard to the

petitioner being involved in the crime during investigation. It was submitted that because the petitioner is also earning his livelihood from fishing, due to

rivalry, he has been made an accused. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that after investigation, as per the supervision report, the role of the petitioner in the murder of the son

of the informant has been found. However, he did not controvert that no witness has taken the name of the petitioner as one of the perpetrators of the

crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender

before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in Sadar Khagaria PS Case

No. 638 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall

be a close relative of the petitioner. The petitioner shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions

of the bonds or non-cooperation would lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court

concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.