

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6092 of 2015

Arising Out of PS.Case No. -254 Year- 2014 Thana –Nanpur, District- SITAMARHI

- =====
1. Sheela Devi w/o Ramchandar Sahni
 2. Ranjit Kumar Sahni, s/o Ramchandar Sahni
 3. Ramchandar Sahni, S/o Late Jiya Sahni.
- All are residents of village- Banaul, P.S.- Nanpur, District- Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 21-04-2015 Heard the learned counsel for the petitioner nos. 2 and 3
and the learned counsel for the State.

The petitioner nos. 2 and 3 seek bail in Nanpur P.S. Case No.254 of 2014 registered for the offence punishable under Sections 147, 148, 149, 341, 448, 323, 325, 307, 302, 304 and 506 of the Indian Penal Code.

The allegation against the accused including the petitioners is to have entered into the house of the informant in the night and abused which was protested by the informant and her mother and both of them were assaulted. Thereafter, father of the informant came there to rescue them, but the accused assaulted him brutally with hard and blunt substance, which caused the death of the deceased.

The learned counsel for the petitioner nos. 2 and 3 submits that there is variance between the FIR and the statement of the wife of the deceased in paragraph 40 of the case diary. The statement of Sita Devi, wife of the deceased has been recorded by the police at S.K.M.C.H, Muzaffarpur on 20.08.2014 after the death of the deceased. No cause of occurrence has been mentioned in the FIR, whereas, in the statement of the wife of the deceased, it has been stated that the cause of death is due to grazing of she-goat.

It appears from the statement of the wife of the deceased that Ranjit Sahani (petitioner no.2) has made the first assault. Thereafter, other assault was made by the accused including the petitioners. The doctor has also found several injuries caused by hard and blunt substance leading to the death of the deceased.

Considering the facts and circumstances of the case, in my opinion, the petitioner nos. 2 and 3 do not deserve bail at this stage. Their prayer is rejected.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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