

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4177 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -KHANPUR District- SAMASTIPUR

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1. Sewak Sahni S/o Late Bachi Sahani
2. Anita Devi W/o Sewak Sahani Both Resident of Village - Haripur Ghat,
P.S. - Khanpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate.

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-02-2015 Heard both sides.

The petitioners seek bail in Khanpur P.S. Case No.
108 of 2014, registered for the offences punishable under Section
302 and other Sections of the Indian Penal Code.

Mukesh Sahni the informant named 13 persons and
alleged that when his brother objected wife of Rambahadur Sahni
for passing through his Darwaja. The accused persons came
having armed with different weapons. Jibach Sahni assaulted his
brother Rajesh Sahni with iron rod on his head. Rajesh Sahni fell
down thereafter all other accused persons are alleged to have
assaulted Rajesh Sahni.

Learned counsel for the petitioner submits that from

perusal of the FIR as well as the post-mortem report, it would appear that Jibach Sahni has assaulted Rajesh Sahni with iron rod. The post-mortem report shows only one injury on the above left eye as blackish haematoma and the cause of injury could not be ascertained. Similarly situated accused namely Shambhu Sahani and Fool Kumari Devi have already been enlarged on bail vide order passed in Cr. Misc. No. 52108 of 2014.

Learned counsel for the informant vehemently opposed the prayer for bail.

On perusal of record it appears that there is no specific allegation of assault against the petitioners only one injury was found on the head of the deceased and author of which is Jibach Sahni.

Considering the facts aforesaid, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Atul Kumar Singh, the learned Judicial Magistrate, 1st Class, Samastipur in connection with Khanpur P.S. Case No. 108 of 2014.

(Prabhat Kumar Jha, J.)

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