

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19859 of 2015

Arising Out of PS.Case No. -99 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. JAYLAL SAHANI
 2. RAMCHANDRA SAHANI Both sons of Bhuar Sahani
 3. LALLAN SAHANI son of Ramchandra Sahani
 4. BHUAR SAHANI son of Late Satahu Sahani All residents of Village-
Patjilawa Nayaka Tola, P.S.- Chiraiya, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Madhurilata (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-07-2015 Heard learned counsel for the petitioners as well as

learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under section 302/34 of the I.P.C.

Allegedly, the petitioners and others started assaulting the wife of the informant which was protested by Rambharos Sahani, son of the informant, and then all of them started assaulting him. Chhotelal Sahani and Ranjeet Sahani assaulted Ram Bharos Sahani with bamboo on his head resulting he fell down and when the villagers came then the accused persons fled

away. He was brought to the Chiraiya Government Hospital and the doctor referred him to Motihari and from Motihari he was referred to Medical College & Hospital, Muzaffarpur but in the way Ram Bharos Sahani succumbed to the injury.

Submission is of false implication due to party politics and further that against the petitioners there is no specific allegation. There was no ill motive. Specific allegation is against co-accused. During postmortem only one injury has been found and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that there is allegation that the petitioners caught hold the deceased and thereafter co-accused assaulted him with bamboo and as such finding it not a fit case for pre-arrest bail, the prayer for pre-arrest bail of the petitioners stands rejected in connection with Chiraiya P.S. Case No. 99 of 2014 pending in the court of Sri S.K. Jha, J.M. 1st Class, Sikrahana, East Champaran at Motihari.

(Jitendra Mohan Sharma, J)

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