

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38065 of 2014

Arising Out of PS.Case No. -7 Year- 2014 Thana -KHAGARIA District- KHAGARIA

1. Ram Uday Shahni, son of Khakhar Shahni
2. Dashrath Shahni ,S/o Khakhar Shahni
3. Janardan Shahni, S/o Khakhar Shahni
4. Pintu Shahni, S/o Ram Uday Shahni,
All residents of Village - Bahuara, P.S. - Bhakhri, District -
Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Thakur, Advocate
For the State : Mr. Anil Kr. Singh, A.P.P.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 04-03-2015 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Petitioners apprehend their arrest in a case filed
under Sections 147, 148 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

It is submitted on behalf of the petitioners that they
are named in the first information report along with several others
and the allegation is that, due to the dispute regarding fishing of
Jalkar concerned, the altercation took place but there is specific
allegation against the co-accused, Jay Jay Sahni of firing at the
deceased Kapil Dev Shahni who sustained firearm injury and

succumbed on the spot.

It is further submitted that the aforesaid Jay Jay Sahni, who is the main accused had surrendered and his trial was separated. Thereafter, a judgment of acquittal has been passed by the court concerned in his favour. A Xerox copy of the judgment dated 20.09.2014 in connection with Session Case No.236 of 2014 arising out of Gangour P.S. Case No.07/2014 has been produced at the time of hearing by learned counsel for the petitioner. Let it be taken in record. From perusal of the aforesaid judgment it appears that informant, Manoj Sahni was examined as P.W. 5. He has stated that he could not identify any person as assailant. He has also stated that the police has taken his signature on a paper which was not read over to him. The court concerned, after considering the facts and circumstances and materials on record, has held that the prosecution has failed to establish the charges levelled against Jay Jay Sahni.

In the aforementioned facts and circumstances, since the main accused itself has been acquitted of the charges by the trial, court, let the above named petitioners, Ram Uday Shahni, Dashrath Shahni, Janardan Shahni and Pintu Shahni, in the event of arrest/surrender within a period of six weeks from today in Khagariya (Gangaur) P.S. Case No.7/2014, be released on bail on

furnishing bail bond of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of C.J.M. Khagariya subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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