

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36632 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -PARSAUNI District- SITAMARHI

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1. Hari Shankar Sahani Son of Late Hitlal Sahani Resident of village -
Lagama, P.S. Dumra, District - Sitamarhi

2. Indal Sahani Son of Sonafi Sahani Resident of village -
Mochhakothawa, P.S. Majorganj, District - Sitamarhi

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Alok Kumar Jha, Advocate.

For the Opposite Party : Mr. R.S.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-12-2015 Heard both sides.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The informant alleged that his brother informed his wife that he was being assaulted by his in-laws. On such information, the informant along with others went there and knew that the petitioners and others have assaulted the deceased Umesh Sahni with fists and slaps.

It is submitted that Umesh Sahni with his family members had come to his Sasural on the occasion of marriage. The wife of the deceased stated that her husband had taken wine in

the morning and he picked up quarrel with her brothers and other relatives on such the scuffle took place and the petitioners and others have assaulted her husband and also gave blow on his testicles consequently her husband died. It is further submitted that there is no intention on the part of the petitioner to commit murder. The deceased was aggressor as he was inebriated. At best the offence under Section 304-II of the Indian Penal Code is made out.

Considering the facts aforesaid and the fact that there is very specific allegation that the petitioners also assaulted the deceased with fists and slaps along with others and consequently Umesh Sahni died, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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