

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51369 of 2014

Arising Out of PS.Case No. -131 Year- 2007 Thana -HASANPUR District- SAMASTIPUR

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KARI SAHANI S/O KHATTAR SAHANI RESIDENT OF VILLAGE
DUDHPURA P.S. HASANPUR, DISTRICT SAMASTIPUR (BIHAR).

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. M.K.Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 11-05-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

I.A. No.750 of 2015 has been filed on behalf of
petitioner in order to amend the prayer portion by having Chief
Judicial Magistrate, Samastipur substituted in place of ADJ,
Rosera, Samastipur.

The same is allowed.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

While Nitish Kumar, aged about 8 years was going
to shop, it has been alleged that was apprehended by the
petitioner Kari Sahani along with Om Prakash Sahni, Thallo
Sahni, Santosh Sahni, Popa Sahni, Rohit Sahni, Sharwan
Sahni, Ramchandra Sahni, T.B. Sahni, Yugeshwar Sahni
armed variously out of whom, petitioner Kari Sahni gave farsa
blow over his head causing injury thereupon. Tetar Sahni came
in rescue who was assaulted by Rohit Sahni with brick. Thallu,

Furaru, Sharwan Sahni, Yugeshwar Sahni, Popa Sahni, Santosh Sahni, T.B., Ramchandra Sahni also assaulted Tetar and Nitish by means of fist and slap, brick particle. Both were lifted to hospital and then, in a way to PMCH, Tetar died. Tetar also before shifting to PMCH gave his statement wherein also he reiterated the same version. Paragraph 4 of the supplementary case diary contains the injury report of Nitish suggesting single lacerated wound 2"x 1/4" x up to scalp bone over occipital area caused by hard and blunt substance. Though, nature of injury has not been disclosed and for that no step has been taken.

That being so, there happens to be apparent inconsistency in between. Moreover, petitioner has not been identified to be assailant of Tetar.

As such, petitioner **Kari Sahni** is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned **Chief Judicial Magistrate, Samastipur** in connection with **Hasanpur P.S. Case No.131 of 2007**.

(Aditya Kumar Trivedi, J.)

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