

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9490 of 2015

Arising Out of PS.Case No. -165 Year- 2014 Thana -SHEOHAR District- SHEOHAR

- =====
1. Arun Sahni son of Bipat Sahni
 2. Ashok Sahni son of Late Pukar Sahni
 3. Biroo Sahni son of Late Pukar Sahni
 4. Jitu Sahni son of Pukar Sahni
 5. Nanak Sahni son of Pukar Sahni
 6. Dinesh Sahni son of Bipat Sahni
 7. Ajit Sahni son of Bipat Sahni All residents of village - Ukani, P.S. Sheohar, District - Sheohar.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Vijay Kumar Singh, Advocate.
For the Opposite Party : Mr. Manoj Kumar No.1 (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-07-2015 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 sections 323, 307, 379, 504 and 506/34 of the I.P.C.

Allegedly, for the dispute of Rasta the petitioners and other accused person started abusing and assaulting Kalam Kumari and Atawariya Devi, Bipat Sahani assaulted with iron-rod to Kalam Kumari and petitioner no.2 assaulted Bhabhi of the informant on her hand and thereafter all the family members of the



informant ran and then all of them have been assaulted and thereafter Jitu Sahani, Biru Sahani and Ajit Sahani assaulted all of them with Lathi, Danda and Rod resulting Kalam Devi became senseless and the brother of the informant was assaulted by brick by Bipat Sahani and further they snatched silver necklace from Atawariya Devi.

Submission is of false implication and that the specific allegation of assaulting Kalam Kumari who died subsequently is against Bipat Sahani and against the petitioners there is general and omnibus allegation. There is case and counter case and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that at S.K.M.C.H. Muzaffarpur fardbeyan of Surendra Sahani was recorded wherein he has stated that Ashok Sahani and Arun Sahani assaulted his daughter on her stomach and thereafter all assaulted with Lathi and Danda to her resulting she became senseless and as such the petitioners in prosecution of the common object along with other had committed the crime resulting Kalam Devi died subsequently.

In the facts and circumstances as stated above, considering the allegations and finding it not a fit case for pre-arrest bail, this Court is not inclined to grant privilege of pre-arrest bail to the petitioners and therefore their such prayer is

accordingly refused in connection with Sheohar P.S. Case No. 165 of 2014 pending in the court of C.J.M. Sheohar.

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered on its own merits after considering the specific allegation attributed against the petitioners.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--