

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5706 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -GAYGHAT District- MUZAFFARPUR

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1. Ram Krishna Sahani son Sidheshwar Sahani
2. Pawan Sahani son of Sidheshwar Sahani
3. Shailesh Kumar son of Ram Krishna Sahani
All R/O Village- Loma, P.S.- Gaighat, Dist.- Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra

For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-02-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners seek bail in connection with Gaighat P.S. Case No. 204 of 2015 registered for the offences punishable under Sections 147, 148, 149, 447, 341, 323, 324, 363, 364, 504, 506 of the Indian Penal Code.

Allegedly, the petitioners and other FIR named accused persons along with others being armed came and attacked at the house of the informant, resulting, the informant fled away from back door and then they tried to kill Nirmala Devi, the mother, and cousin, Ashok Singh, and when villagers came for rescue then they were also assaulted, resulting, Nirbhay Singh sustained head injury, Uma Shankar Singh was also assaulted by Kameshwar

Sahani through barchi and the accused persons claimed that they have kidnapped the wife and child of Ashok Singh and now they will kill them.

Submission is of false implication and that the petitioner nos. 1 and 2 are full brothers and petitioner no. 3 is son of petitioner no. 1, co-accused Lakhi Sahani has filed Gaighat P.S. Case No. 276 of 2015 against the informant's family and this case is the counter blast of that case and due to Gram Panchayat Election the petitioners have been implicated, resulting, the petitioners are suffering in custody since 24.11.2015, the wife of Ashok Singh is the Bhabhi of the informant, namely, Pooja Devi and Utsav Kumar have already been recovered from the house of Sunil and in the statement recorded under Section 164 Cr.P.C. Pooja Kumari has not named the petitioners and further the injury found on the person of injured Uma Shankar Singh and Nirbhay Kumar are simple in nature caused by hard and blunt substance and as such the petitioners deserve sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that the petitioners have not been named by Pooja Kumari in her statement recorded under Section 164 Cr.P.C. and further considering the injury reports, copy of which have been filed by

the petitioners, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Gaighat P.S. Case No. 204 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)

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