

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11823 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Akloo Sahani, Son of Late Ishar Sahani, resident of village - Majhar Tola
Pandubbi, P.S. Pakarideyal, District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 23-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.09.2015 in connection with Pakrideyal P.S. Case No. 117 of
2015 for the offences alleged under Sections 147, 149, 447 and
302/34 of the Indian Penal Code, 1860.

The prosecution case is that the First Information
Report has been registered as Pakarideyal P.S. Case No. 117 of
2015 under Sections 147, 149, 447 and 302/34 of the Indian Penal
Code against the petitioner along with other co-accused persons on
the basis of application of informant Narpati Devi, alleging therein
that at about 8.30 P.M., petitioner along with other co-accused
persons variously armed, came at her Darwaja and started abusing

her husband, namely, Shree Sahani and on protest, petitioner and co-accused Sajawal Sahani inflicted lathi blow upon her husband leading to death of her husband. The cause of occurrence is flowing of water from roof.

It has been submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent as is evident from para 3 of the application and there was a minor dispute regarding flowing of some water from the roof.

It has further been submitted that the petitioner's side and the informant's side are neighbours and there was a minor dispute regarding flowing of some water from the roof by the side of petitioner that this occurrence, as alleged, to have taken place. He further submits that the informant is not an eye witness to the alleged occurrence and there is an allegation that several persons hit the deceased-husband of the informant. He further submits that in her statement, she has stated another version that these persons i.e. is the petitioner along with other co-accused had killed the deceased by throttling.

Learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since there is a contradiction in the

statement of the informant, let the petitioner, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, East Champaran, Motihari in connection with Pakarideyal P.S. Case No. 117 of 2015.

(Nilu Agrawal, J)

Vats/-

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