

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18044 of 2016

Arising Out of PS.Case No. -48 Year- 2013 Thana -MANIYARI District- MUZAFFARPUR

=====

Brahmanand Sahni Son of Late Raj Kumar Sahni, Resident of Village -
Ratnauli, P.S. - Maniyari, District - Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Chandra Bhushan Das, Advocate
For the Opposite Party : Mr. Dinesh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is in custody since 17.01.2016 in connection
with **Maniyari P.S.Case No.48 of 2013** pending in the Court of
Judicial Magistrate, Ist Class, Muzaffarpur registered for the
offence under Sections 302/34 of the IPC and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged by the
informant that informant along with his uncle Ram Kumar Thakur
started going to their house from Civil Court, Muzaffarpur by
cycle at 6 P.M. and when they reached near High School they saw
two motorcycles 5-6 persons alongwith petitioner surrounded the
informant and his uncle Raj Kumar Sahni ordered to kill both by



bullet and in the meantime Rajesh Kumar Sahni and Mahesh Sahni caught the informant's uncle and petitioner fired on chest and fled away. It is further alleged that the petitioner set fire but informant save himself by bowing down and thereafter villagers came making noise then all the accused persons fled away with bike showing arms. Thereafter with the help of villagers the injured Ram Kumar Thakur taken to the hospital thereafter he died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.01.2016. Chargesheet has been submitted in the case. Petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present case. From perusal of para 109 of the case diary, it is evident that number of witnesses have been examined who have not supported the prosecution case. As per the allegation, the deceased was done to death from a very close range by fire arm but there is no sign of charring found in course of postmortem. Informant is not an eye witness to the alleged occurrence.

On behalf of the State and the counsel for the Informant, it has been submitted that the petitioner is named in the FIR and he is the main assailant of the deceased due to which the death had taken place. From perusal of paras-7, 8 and 9 of the case diary, it

is evident that all the eye witnesses have supported the prosecution case. The postmortem report also supports the allegation made in the FIR. Petitioner being the son of Mukhiya, had tried to influence investigation, then the investigation was handed over to CID who has found the case to be true and submitted the chargesheet against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to release the petitioner on bail, the same is rejected.

(Sudhir Singh, J)

B.Kr./-

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