

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35270 of 2016

Arising Out of PS.Case No. -436 Year- 2014 Thana -LAKHAURA District-
EASTCHAMPARAN(MOTIHARI)

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Hari Sah son of Raj Banshi Sah resident of village - Lakhaura Mohara Tola,
Police Station- Lakhaura, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party : Mr. Ajay Kumar-I, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 26-09-2016 Heard both sides.

The petitioner apprehends his arrest in Muffasil (Lakhaura) P.S. Case No. 436 of 2014 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

The informant widow of the deceased alleged that while she along with her husband was returning all the accused persons 14 in numbers including the petitioner having armed with different weapons surrounded the informant and her husband and the accused persons brutally assaulted the informant and her husband. Vijay Sahni fired on her husband and her husband got firearm injury.

Learned counsel for the petitioner submits that the

petitioner is, of course, named in the FIR but no specific allegation is made against the petitioner. It is further submitted that in paragraph 70 and 71 of the case diary, the witnesses have stated that the petitioner has falsely been implicated due to village politics and previous enmity but it appears from perusal of the case diary that in paragraph 13 the Medico Legal Report of Ram Agya Sahni is given and he was advised for X-ray and C.T. Scan. After two months of the occurrence Ram Agya Sahni died. The witnesses have very categorically stated that the petitioner and others assaulted the deceased Ram Agya Sahni. The ocular version has got precedent over the expert opinion as the doctor did not find any injury on the body of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

However, if the petitioner surrenders in the court below, the court below shall consider the prayer for regular bail of the petitioner taking into consideration that similarly situated co-accused have been granted regular bail.

(Prabhat Kumar Jha, J.)

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