

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2888 of 2016

Arising Out of PS.Case No. -332 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Hiralal Sahani
 2. Siyaram Sahani
 3. Arjun Sahani All sons of Ramashray Sahanai, resident of Village-
Lakhaura Braham Tola, P.S.- Lakhaura, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Dr.Kumar Uday Pratap (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 28-03-2016 Heard the learned counsel for the petitioners, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioners seek bail in a case for the offences
punishable under sections 341, 342, 323, 324, 307, 379, 447, 504
and 506/34 of the I.P.C

Allegedly, the petitioners and other co-accused
assaulted the informant, his son Umesh Sahani, his father and
mother with lathi, danda and knife and in the occurrence the
petitioner Hiralal Sahani gave knife blow on Umesh Sahani
causing injury on his head and further the petitioner Siyaram

Sahani took out Rs. 5,000/-.

Submission is of false implication and that the injury found on the person of Umesh Sahani was noticed simple caused by sharp substance, there is case and counter case, the present case is counter blast, during treatment the father of the informant died and his cause of death was cardiogenic shock due to heart attack and as such charge sheet has been submitted under section 304 I.P.C also but there was no intention on the part of the petitioners to commit murder and as such the petitioners who are suffering in custody since 09.10.2015 deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that all assaulted the father of the informant and during treatment he died.

In the facts and circumstances as stated above, considering that there is case and counter case, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Motihari in Muffasil (Lakharua) P.S. Case No. 332 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.

(Jitendra Mohan Sharma, J)

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