

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51037 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -RIGA District- SITAMARHI

Bhikhari Sahni, son of Late Kewal Sahni, R/o Village- Riga, P.S.- Riga,
District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.52691 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -RIGA District- SITAMARHI

Vijay Sahni, son of Bhikhari Sahni, R/o Village - Riga, P.S. - Riga, District
- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.51037 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Anita Kri.Singh(APP)

(In Cr.Misc. No.52691 of 2015)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Arun Kr.Pandey(APP)

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 18-02-2016 Heard learned counsel for the petitioners and the

learned counsel for the State.

The petitioners are accused in connection with Riga
P.S. Case No. 124 of 2015 registered under Sections 341, 323, 324
and 307/34 of the Indian Penal Code and subsequently Section

302 of the Indian Penal Code was added pending in the court of Chief Judicial Magistrate, Sitamarhi.

The accusation is that petitioners along with two others named in the F.I.R. surrounded the informant, Birkhi Devi and her husband, Kishori Sahni and started to abuse. At that time, they spread the chilly powder and started to cause assault to Kishori Sahni through lathi, fasul and rod. On raising alarm, accused persons fled away and the villagers took her husband to Riga Primary Helth Centre, from where, he was referred at Patna. Due to intervention of the people case could not lodge and the petitioner, Bhikhari Sahni, accepted to bear the expenses of treatment but he did not pay the expenses of the treatment. Due to that reason the present case has been lodged.

Learned counsel for the petitioners submits that occurrence took place due to land dispute, in which, Kishori Sahni, husband of the informant sustained injury and died in course of treatment after 10 days. Learned counsel for the petitioners further submits that it would appear from the F.I.R. that no specific overt act has been alleged against the petitioners rather there is general and omnibus allegation against the petitioners and others to cause assault to the deceased.

Taking into consideration the facts and

circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners is rejected.

(Rajendra Kumar Mishra, J)

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