

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43240 of 2016

Arising Out of PS.Case No. -295 Year- 2015 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Rajendra Sahni Son of Shiv Shanker Sahni Resident of Village- Roshanpur
Sapahan , Police Station - Sugauli, District East Champaran at Motihari.

.... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party : Mr. Amrendra Kr @ Dr. Amrendra Kr, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-12-2016 Heard both sides.

The petitioner seeks bail in Sugauli P.S. Case No. 295 of 2015, registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The informant Ramhari Sahni alleged that on 29.07.2015 the petitioner and others took his son Meghu Sahni with them for some urgent works but his son did not return. On 30.07.2015 the informant went to the house of the petitioner along with Lorik Sahni from where they went to the field where two sides were quarreling each other. The informant alleged that when son of the petitioner refused to drive the tractor of the petitioner, on the order of Shiv Shankar Sahni the petitioner fired killing



Meghu Sahni on the spot.

Dr. Amrendra Kumar, learned counsel for the petitioner submits that Rajendra Sahni lodged Sugauli P.S. Case No. 293 of 2015 against Wakil Sahni and others in which he alleged that there was some altercation for taking possession of the land and Krishna Thakur fired which hit Meghu Sahni and Meghu Sahni died on the spot. It is further submitted that Sugauli P.S. Case No. 294 of 2015 was also registered from the side of Wakil Sahni in which Wakil Sahni made allegation that Rajendra Sahni and others made indiscriminate firing on account of land dispute but the police came thereafter the accused persons fled away. It is further submitted that Ramhari Sahni filed a petition in the court as well as before the police officials that the accused persons of Sugauli P.S. Case No. 293 of 2015 took his thumb impression on a plain paper on the pretext of providing compensation for death of his son and filed the present case making false and frivolous allegation against Rajendra Sahni and others. Ramhari Sahni the informant of the present case was also present in the court of the learned Additional Sessions Judge, Motihari, East Champaran at the time of hearing the bail petition to support his statements but even then his prayer for bail was rejected.

It appears that Ramhari Sahni made very specific



allegation against the petitioner that it was he who on refusal of his son to drive the tractor fired causing death of his son Meghu Sahni on the spot. During course of investigation, the investigating officer recorded the statement of many other eye witnesses including the statement of the informant. The informant reiterated his version in his further statement.

Considering the facts aforesaid and the fact that there is very specific allegation against the petitioner that it was he who fired causing death of Meghu Sahni, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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