

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52918 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -PAKRIDAYAL District-
EASTCHAMPARAN(MOTIHARI)

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Madan Sahani, S/o Late Ram Chandra Sahani, Resident of Village-
Sirhakattas, P.S. Pakaridayal, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

4 22-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Pakridayal
P.S. Case No.121 of 2016 registered under Sections 147, 148, 149,
302, 307 and 120-B of the Indian Penal Code besides Section 27
of the Arms Act, pending in the court of the Additional Chief
Judicial Magistrate, Motihari, East Champaran.

The accusation is that six persons, named in the F.I.R.,
including the petitioner entered the boundary wall of the house of
the informant Ramesh Sahni and started to indiscriminate firing
through carbine and country made pistol in which Bhikhari Sahni,
the father of the informant, and Ward Member, Raj Kishore



Prasad, sustained firearm injuries and both died on the spot. At that time, Champa Devi and Mantun alias Aryan, the mother and nephew respectively of the informant, came out of the house, then Champa Devi was also shot fire by them and she died. In the firing made by Rakesh Singh, Mantun alias Aryan, the nephew of the informant, also sustained injury in his waist and while he tried to save by concealing himself below the chowki but he was pulled from below the chowki and firing was made at him and he also died on the spot.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the occurrence is said to be of 26.08.2016 at about 07.45 P.M. but the F.I.R. was lodged on 27.08.2016 at about 07.00 P.M. by the informant without furnishing any explanation. Moreover, the petitioner was apprehended by the police on 29.08.2016 in ill condition from his house. The petitioner is aged about 60 years and having no criminal antecedent is in custody since 29.08.2016.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of bail and submits that the witnesses, in paragraphs-17, 18, 19, 40 and 41 of the case diary have supported the presence of the petitioner at the time and place of the occurrence in which four persons died due to firearm injury.



Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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