

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15329 of 2017

Arising Out of PS.Case No. -126 Year- 2013 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Daroga Sahani Son of Late Bishun Sahani, Resident of Village-
Nanhakar, P.S.- Madhuban, District- East Champarn..... .. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Sri Asharaf Ansari

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 04-05-2017 Heard both sides.

The petitioner seeks bail in Madhuban P.S. case No.
126 of 2013, corresponding to Sessions Trial No. 238 of 2017,
under Section 302/34 of the Indian Penal Code.

The mother of the deceased alleged that while she
was coming along with her son, Shambhu Bhagat, on a motor
cycle, after getting treatment, Ramashish Sahni, Arjun Sahni,
Daroga Sahni, the petitioner, and Sunder Goswami stopped the
motor cycle and assaulted her son with fists and slaps and killed
her son.

The learned counsel for the petitioner submits that
the occurrence took place on 15.07.2013 but the informant
informed the police on 16.07.2013. There is omnibus and general
allegation of assault with fists and slaps. During the course of
investigation, witnesses in paragraph 9, 10, 11 and 12 of the case



diary have stated that accused persons were dragging the deceased and thereafter Ramashish Sahani gave fist blow on the chest of the deceased, the deceased fell down on the ground and died. It is submitted that petitioner, who is in jail since 12.10.2016, may be enlarged on bail.

It appears that informant made allegation that petitioner and his two brothers, Ramashish Sahni and Arjun Sahni and one Sunder Goswami assaulted her son, Shambhu Bhagat, with fists and slaps, who died on the spot. From the post mortem report it appears that deceased got nasal bleeding. There was bruise on left side of face, swelling over lower lip, swelling over frontal bone region of skull, swelling on left orbital region and bruise on left shoulder. Altogether there are six injuries and some of them have been caused by assault with fist.

Considering the fact that petitioner is also alleged to have assaulted with fist, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail after remaining one year in custody.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

