

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26370 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

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Dinesh Sahani Son of Kishori Sahani, Resident of Mohalla- Narma di, Police Station- Hathori, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the State : Mr. Pancha Nand Pandit, APP

For the Informant : Mr. Sanjeev Kumar Jha, Advocate

Mr. Ravi Ranjan, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 26-07-2017 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 26.10.2016 in connection with Sessions Trial No. 135 of 2017 arising out of Hathori P.S. Case No. 111 of 2016 pending in the Court of learned Additional District Judge 8th, Muzaffarpur registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that on 23.10.2016 at about 7:30 P.M. while the informant was at his door, the accused persons variously armed came there and



started abusing him and on protest accused Dinesh Sahani ordered to kill the informant upon which accused Kalpu Sahani assaulted him and his family members. It is alleged that accused Dinesh Sahani and Mahesh Sahani strangled Seema Kumari, daughter of the informant. Thereafter, she was taken to SKMCH, Muzaffarpur for treatment where she was declared dead by the doctors.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there are as many as 12 persons named in the First Information Report and the cause of death is not attributable to the petitioner. It is further submitted that altercation took place between the parties on account of petty dispute and a counter case had been lodged by the petitioner's side bearing Hathori P.S. Case No. 127 of 2016 and the petitioner also sustained serious injuries and was arrested from the hospital itself. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant and the learned A.P.P. for the State oppose the prayer for bail stating



therein that the petitioner was order giver and also along with co-accused Mahesh Sahani strangulated Seema Kumari, daughter of the informant and the informant is the eye-witness to the alleged occurrence.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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