

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28737 of 2017

Arising Out of PS.Case No. -48 Year- 2013 Thana -MANIHARI District- MUZAFFARPUR

1. Sukhdeo Sahni @ Sukdeo Sahni son of Ganga Sahani Resident of Village
- Ratnauli, Police Station - Maniyari, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aparna Bharti

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 19-08-2017

Heard both sides.

The petitioner apprehends his arrest in Maniyari P.S.

Case No. 48 of 2013 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code and under Section
27 of the Arms Act.

The informant alleged that on 23.03.2013, he was
returning along with his uncle Raj Kumar Thakur. When they
reached village Purushottampur, near Mobile Tower Raj Kumar
Sahni, Parmanand Sahni, Brahmanand Sahni, Rajesh Kumar
Shani, Mahesh Sahni and Sukhdeo Sahni @ Sukdeo Sahni, the
petitioner were there from before, they surrounded Raj Kumar
Thakur and caught him. Brahmanand Sahni fired at the chest of
uncle of the informant. The informant tried to flee away towards
west. Thereafter, on the order of the petitioner Sukhdeo Sahni @



Sukdeo Sahni, Brahmanand Sahni fired on the informant but the firing did not hit the informant.

Learned counsel for the petitioner submits that the petitioner is, ofcourse, named in the FIR but, during course of investigation the police found involvement of the petitioner false and accordingly, submitted final form against the petitioner. On submission of final form learned Judicial Magistrate, Muzaffarpur took cognizance. It is further submitted that during course of investigation, it has come that the informant is also not an eye witness of the occurrence and on account of enmity the petitioner and others have falsely been implicated in the case.

Learned APP opposed the prayer for anticipatory bail of the petitioner.

It appears that Raj Kumar Thakur was killed while he was returning to his residence. The informant has very categorically stated that the petitioner and others waylaid Raj Kumar Thakur and when Raj Kumar Thakur reached there. They all caught him and Brahmanand Sahni fired at the chest of Raj Kumar Thakur and Raj Kumar Thakur, a practicing advocate of Muzaffarpur Civil Court died. During course of investigation, the witnesses have also reiterated the same facts.

Considering the facts aforesaid, I am not inclined to



enlarge the petitioner above named on anticipatory bail.

Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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