

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57374 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -SAHEBGANJ District- MUZAFFARPUR

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1. BRIJDHARI SAHNI @ VIJDHARI SAHNI @ VIRDHARI SAHNI,
son of Baran Sahni,
 2. Lal Babu Sahni, son of Lakhindra Sahni,
 3. Sita Lal Sahni, son of Kanchan Sahni, all resident of village - Bishunpur
Patti, Police Station- Sahebganj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 15-02-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Sahebganj P.S.**

Case No.89 of 2016 instituted for the offence under Section(s)
302, 201/34 Indian Penal Code.

Counsel for the petitioners has submitted that there
is no eye witness to the occurrence in the entire case diary. He
has further submitted that dead body was not recovered from the
spot. Occurrence is said to have taken place on 22.04.2016, but
the First Information Report has been lodged on 24.04.2016.

Allegation in the written report is that on
22.04.2016, nephew of the informant, Ranjit Kumar and Lal



Babu Rai, along with other persons were going to attend *Barat* in village Rajbara Halimpur. On the way, the Bolero vehicle met with an accident near Rajwara Tirhut Canal and after accident these petitioners came armed with their associates and attacked *Barat* party. It is alleged that two persons, namely, Ranjit Kumar and Lal Babu Rai, were mercilessly assaulted with *lathi*, *danda* and iron rod. They were done to death. Their dead bodies were dragged to some unknown place. Other inmates of Bolero vehicle somehow managed to escape and saved their life. In course of search, dead bodies of both the persons were recovered from village Dilabarpur. The informant has given name of other persons also, who were in the Bolero vehicle along with deceased.

Counsel for the petitioners has submitted that, as a matter of fact, on 22.04.2016, villagers of Bishunpur Patti were going towards Canal to take bath to perform Puja. In the meantime, a Bolero vehicle being driven rashly and negligently came and injured many persons. 8-9 persons from the mob died in the accident. Thereafter, on the basis of the *fard-e-beyan* of Mahesh Sahani, Sahebganj P.S. Case No.88 of 2016 was instituted under Section(s) 279, 337, 338, 304-A Indian Penal Code. There is no allegation of any specific overt act against the



petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Sahebganj P.S. Case No.89 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, West, Muzaffarpur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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