

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10172 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Shrawan Sahni, Son of Vikarma Sahni,
2. Vikarma Sahni, son of Jokhan Sahni. Both residents of Village
Majhariya, P.S. Paharpur, Mallahi (O.P.), District - East Champaran.
..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 03-04-2018

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

The petitioners are in custody in connection with
Paharpur P.S. Case No.177 of 2017, a case under Sections
147/148/149/341/323/324/307/379/504/506 of the Indian Penal
Code. Later on offence under Section 302 of the of the Indian
Penal Code was added.

According to FIR, the petitioner Shrawan Sahni
and others allegedly assaulted to Bhikhar Sahni on 25.06.2017.
Shrawan Sahni assaulted with Barchhi causing injury at the
stomach, thigh and right hand. Petitioner Vikarma Sahni did not
assault to the deceased. Informant is eyewitness of the
occurrence. The doctor has not found any external injury at the



stomach of the deceased while performing post mortem examination. The victim died during course of treatment on 31.07.2017 and according to opinion of the doctor septicemia was the cause of death. On the basis of aforesaid material prayer is for bail.

Learned counsel for the informant opposed the prayer on the ground that witness Santosh Singh has stated before the police at para-8 of the case-diary that the accused Vikarma Sahni had also assaulted to the deceased. In para-45 of the case-diary, there is dying declaration of the victim, recorded on 05.07.2017, wherein he stated that on the order of Vikarma Sahni, petitioner Shrawan Sahni and co-accused Satyedra Sahni, who were carrying spear and Barchhi, assaulted to him.

Considering the fact that the medical report is not consistent with the prosecution allegation, the petitioners are in custody since 05.08.2017 and investigation of the case is already complete, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Paharpur Police Station Case No.177 of 2017, with condition that the petitioners shall fully cooperate with the investigation/trial of



the case, failing which the court below shall be at liberty to cancel
the bail bond of the petitioners.

(Birendra Kumar, J)

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