

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5320 of 2019

Arising Out of PS. Case No.-147 Year-2018 Thana- SAHIYARA District- Sitamarhi

1. Mandhir Sahni aged about 21 years (male), Son of Raj Kishore Sahni, Resident of Village- Dhumha, P.S.- Sahiara, District- Sitamarhi.
2. Vinay Sahni aged about 19 years (male), Son of Ram Ekbal Sahni, Resident of Village- Dhumha, P.S.- Sahiara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-01-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the ferdbeyan of Binda Devi recorded by SI Bigan Ram of Town Police Station dated 02.09.2018 at Sadar Hospital is to the effect that on 01.09.2018 at 12.00 P.M., the son of the informant was sitting in a chair about 10 meters away from the house, when seven persons came on three motorcycles and started firing on son of the informant, as a result, he fell down. It is further alleged that since co-



accused Kamal Mahto and Chandni Mahto are convicted in the murder of the husband of the informant in which, the victim and the informant were the witnesses, they killed the son of the informant. The petitioners are not named in the FIR and the name of the petitioners sprang up during investigation.

It is submitted by learned counsel for the petitioners that the petitioners are not named in the FIR, and the specific accusation of firing is against the seven FIR named accused persons and informant is the eye witness to the occurrence and he did not state the presence of any other person at the place of occurrence other than the accused persons named in the FIR. It is further submitted co-accused, Pappu Thakur has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.01.2019 passed in Cr. Misc. No. 1974 of 2019 on the ground that there is accusation of indiscriminate firing against seven accused persons, but in the post mortem report, only one injury was found on the body of deceased. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioners sprang up during investigation.

Considering the fact that specific accusation of firing



is against seven FIR named accused persons and the co-accused, Pappu Thakur has been granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Sitamarhi** in connection with **Sahiara P.S. Case No. 147 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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