

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44371 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- KHAGARIA RAIL P.S. District- Khagaria

1. Balveer Sahni @ Karelal Sahni Son of Sikandar Sahni Resident of Village - Rani Tola Kothhiyaa, P.S.- Mufassil, Dist.- Khagaria.
2. Ranbeer Sahni Son of Rambharose Sahni Resident of Village - Bhados, P.S.- Mufassil, Dist.- Khagaria.
3. Milan Sah Son of Late Dinesh Sah Resident of Village - Bhados, P.S.- Mufassil, Dist.- Khagaria.
4. Bajrangi @ Bajranwali @ Bajrangwali Son of Sunil Sah Resident of Village - Daunagar, P.S.- Khagaria, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with Mr. Udbhav and Mr. Nilesh Kumar, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in Rail Khagaria PS
Case No. 79 of 2018 dated 10.12.2018 instituted under Sections
302/34 of the Indian Penal Code and 27 of the Arms Act.

3. The petitioners, though not named in the FIR, in
which two persons have been named, are accused of killing the
son of the informant.

4. Learned counsel for the petitioners submitted



that besides not being named in the FIR, there is no eye witness to the incident. It was submitted that even their implication is tenuous, inasmuch as, it is based on the statement of one Anwari Bibi. It was submitted that on tracking the police came across a mobile number to which the deceased had talked and that was traced to the brother-in-law of Anwari Bibi and he had stated that the same was used by Anwari Bibi. It was submitted that in order to save herself, Anwari Bibi has made statement before the police as well as before the Court under Section 164 of the Code of Criminal Procedure, 1973 to implicate the petitioners. It was submitted that the petitioners have no reason to commit the offence and further that the statement of Anwari Bibi who has admitted of her illicit relationship with the deceased cannot be relied upon. It was further submitted that the lady was the tenant in the house of petitioner no. 1.

5. Learned APP, from the case diary, submitted that the statement of Anwari Bibi is in detail and assigns various roles to the petitioners. It was further submitted that Anwari Bibi has also stated that the accused, who used to come along with petitioner no. 1, to her house and they wanted to establish physical relations with her which was resisted. He further submitted that on the fateful day she was forced to call the



deceased near a temple and she was locked inside and one person was staying there and the others had gone and she had heard four gunshots which stands corroborated from the postmortem report where four bullet wounds have been found on the person of the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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