

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53420 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. ARJUN SAHANI Son of late Hira Sahani Resident of Village - Barari Jagdish P.S.- Uchakagaon, Distt - Gopalganj.
2. Pola Sahani @ Karan Sahani Son of late Hira Sahani Resident of Village - Barari Jagdish P.S.- Uchakagaon, Distt - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey
For the Opposite Party/s	:	Mr. Shailendra Kumar, Adv.
	:	Mr. Vyas Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-10-2019 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners, who are in custody, seek bail in connection with Uchakagaon P.S. Case No. 143 of 2019 registered for the offence punishable under Sections 341, 323, 307, 302, 447, 504, 506/34 of the Indian Penal Code and 27 of Arms Act.

Informant has alleged that on 04.06.2019 the Baraat of daughter of Shankar Sahani came at about 12.30 PM when 11 co-villagers as named in the FIR came to his door and started abusing his brother Shankar Sahani and when his brother came out then Manoj Sahani ordered to kill him, upon which Biresh Sahani tossed his brother on the ground and thereafter Amarjeet



Sahani took out pistol from his waist and fired on his forehead, as a result of which he died and upon hearing the sound of firing, his younger brother Santosh Sahani came and it is alleged that Amarnath Sahani, Arjun Sahani (petitioner No.1) and Mukesh Sahani who were carrying iron rod and Lathi in their hand and it is alleged that Amarnath Sahani assaulted his younger brother Santosh Sahani on his head, as a result of which he suffered head injury and there is further allegation that Arjun Sahani (petitioner No.1) and Mukesh Sahani assaulted him on his back and other parts of the body. Thereafter informant has further alleged that Ruman Sahani, Jotish Sahani, Pola Saani (petitioner No. 2) carrying iron rod in their hand assaulted the informant on his head, as a result of which he sustained head injury and villagers took all the three to Sadar Hospital, Gopalganj where they were being treated and during treatment Shankar Sahani died.

After investigation, police has submitted charge sheet against the petitioners and alongwith charge sheet postmortem report with respect to deceased Shankar Sahani (brother of informant) has been filed but there is no injury report with respect to informant or his brother Santosh Sahani submitted alongwith charge sheet nor any such report has been mentioned



in the entire case diary. Petitioner No. 1 has no criminal antecedent while petitioner No. 2 is having one criminal antecedent as disclosed in para-3 of petition. Petitioner No. 1 is in custody since 08.06.2019 and petitioner No. 2 is in custody since 06.06.2019.

Bail application of the petitioner has been vehemently opposed on behalf of counsel for the informant that there is allegation of assault against petitioners on the informant and his brother, as such they do not deserve privilege of bail.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Gopalganj, in connection with Uchakagaon P.S. Case No. 143 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers 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.

(S. Kumar, J)

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