

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61981 of 2019**

Arising Out of PS. Case No.-11 Year-2019 Thana- SAKRI District- Madhubani

1. RAMJEET SAHNI @ RAM RAJI SAHNI, Son of Late Dukhi Sahni
Resident of Village - Nima, P.S.- Sakari, Distt - Madhubani.
2. Birendra Sahani, Son of Upendra Sahani @ Opendra Sahni, Resident of
Village - Nima, P.S.- Sakari, Distt - Madhubani.
3. Manoj Sahni, Son of Ramjeet Sahni @ Ram Raji Sahani, Resident of Village
- Nima, P.S.- Sakari, Distt - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-10-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are languishing in custody since 15.01.2019 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 of the Indian Penal Code. Subsequently, Section 302 of the I.P.C. was also added vide order dated 29.01.2019, passed by the I/c Chief Judicial Magistrate, Madhubani.

The prosecution case got initiated on the basis of



written report of Khusbu Devi submitted before the Station House Officer, Sakri Police Station is to the effect that on 13.01.2019 at 11.00 P.M., six neighbours of the informant, including the petitioners, came variously armed and in the background of performing love marriage, all of them abused and assaulted the informant and her husband, Dilip Sahni. It is further alleged that petitioner no.1, Ramjeet Sanhni and petitioner no.3, Manoj Sahni started assaulting the informant and her husband with an iron rod, as a result, the husband of the informant got injured. It is further alleged that when the mother-in-law and father-in-law of the informant, namely Munni Devi and Kapleshwar Mukhiya and sister-in-laws, Marni Devi, Kiran Devi and Rinki Devi came to rescue, then they were assaulted by the petitioner no.2, Birendra Sahni, co-accused, Sunil Sahni, Prakash Sahni and Manju Devi with an iron rod and spade. Subsequently, the father-in-law of the informant, Kapeshwar Mukhiya succumbed to the injuries.

It is submitted by learned counsel for the petitioners that though the deceased, Kapeshwar Mukhiya and his wife Munni Devi are alleged to have been assaulted by petitioner no.2 and other co-accused persons, but the accusation of assault is neither specific against petitioner no.2, nor against



other petitioners. Moreover, co-accused, Manju Devi has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.07.2019, passed in Criminal Miscellaneous No. 45046 of 2019. It is further submitted that the impugned order does not reflect that any grievous injury has been caused to the informant or her husband and the investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the accusation against the petitioners are to have assaulted the informant and her husband.

Considering the fact that specific accusation of assault to the deceased, Kapeshwar Mukhiya is not against the petitioner nos. 1 and 3, however, the accusation of assault against petitioner no.2 is omnibus and general and the investigation already being concluded 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned



Additional District and Sessions Judge-V, Madhubani, in
connection with Sakri P.S. Case No.11 of 2019.

(Dinesh Kumar Singh, J)

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