

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17308 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- LALGANJ District- Vaishali

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1. Rakesh Sahni @ Rajesh Sahni Son Of Jaglal Sahni Resident Of Village- Maksudan Pakri, Police Station- Lalganj, District- Vaishali
 2. Naresh Sahni Son Of Jaglal Sahni Resident Of Village- Maksudan Pakri, Police Station- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and the State.

The petitioners seek bail in Lalganj P.S. Case No.77 of 2020 registered under Sections 147, 148, 149, 341, 324, 307, 302, 504 and 506 of the Indian Penal Code. The informant alleged that he was sleeping in his house after celebrating Holi but some alarm was raised and when he woke up, he saw that Vakil Sahani and Rajballabh Sahani were being assaulted by Sonelal Sahani, Mantu Sahani, Manish Sahani, Kallu Sahani, Ramjas Sahani, Ramsevak Sahani, Ranjan Sahani, Aakash Kumar, Jaglal Sahani, Umesh Sahani, Rakesh Sahani and Naresh Sahani with a chopper meant for cutting meat. When the



informant and his brother-in-law Pramod Sahani went to rescue, the accused persons also assaulted them. Pramod Sahani sustained chopper injury on his back. His uncles Vakil Sahani and Rajballabh Sahani were seriously injured. Vakil Sahani got injury on his head. It is further alleged that there was some dispute on the eve of Chhath Puja and for that Baleshwar Sahani and Mantu Sahani took Vakil Sahani to their house and they began to assault. When Rajballabh Sahani went to save, he was also assaulted. Rajballabh Sahani died during the course of treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is case and counter case. It is further submitted that twelve persons are said to have assaulted Rajballabh Sahani and Vakil Sahani. From the post-mortem report, it appears that Rajballabh Sahani got one injury caused by hard and blunt object on his head and on account of head injury, Rajballabh Sahani died. Vakil Sahani got as many as three injuries on different parts of his body but all the three injuries are simple and superficial in nature. There is omnibus and general allegation of assault against all the twelve accused persons. Several similarly situated co-accused have already been allowed



bail vide orders passed in Cr.Misc.No. 28195/2020, 25515/2020.

Petitioners are in custody since 8.10.2020.

Learned A.P.P. however opposed the prayer for bail and submitted that one of the petitioners is alleged to have taken away Vakil Sahani to his house and thereafter other accused persons assaulted him.

Considering the rival submissions of the parties, materials available on the record and the fact that there is general and omnibus allegation against the petitioners and they are in custody since 8.10.2020, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, be enlarged 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 Additional Chief Judicial Magistrate IX/Successor court Vaishali at Hajipur in Lalganj Police Station Case No. 77 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Prabhat Kumar Singh, J)

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