

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25289 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

1. HARENDRA SAHANI @ HARENDAR SAHANI @ HARENDRA SAHAHI Son of Late Naga Sahani Resident of Village- Majhawaliya, P.S.- Mohammadpur, District- Gopalganj.
2. Raj Kumar Sahani Son of Late Naga Sahani Resident of Village- Majhawaliya, P.S.- Mohammadpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Lokesh Kumar Singh
For the Opposite Party/s :	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No. 102 of 2020, registered with Mohammadpur Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 of the Indian Penal Code at the instance of first informant Maharaj Sahani, by this application is seeking release on bail after filing of the charge sheet.

 Heard the learned counsel appearing for the applicants/accused. He argued that major role in crime in question is attributable to Nand Kishore Sahni, who is already directed to be released on bail by the Coordinate Bench of this Court along with other accused persons vide Order dated 06.04.2021. It is further argued that dispute is in between

relatives on account of the landed property and the applicants are behind bar since long.

The learned Prosecutor assisted by the learned counsel for the first informant opposed the applicant.

The incident, in question, took place on 30.05.2020 in front of house of deceased Jitendra Sahni. His father Maharaj Sahni had filed the FIR resulting in registration of the crime in question. According to the prosecution case, as reflected in the FIR initially applicant Harendra Sahni, had been to the door of the first informant and told the first informant that wall of the house is on the land belonging to Harendra Sahni. He directed the first informant to remove/demolish that wall. When the first informant asked to call Amin for measurement, the accused persons including present applicants came to his house armed with weapons such as, iron rod, sticks and sword. It is averred by the first informant that both the applicants have assaulted him as well as his son Jitendra Sahni by means of iron rod, indiscriminately. Subsequently, rest of the accused persons including Nand Kishore Sahni had assaulted the first informant.

Said Nand Kishore Sahni as well as other accused persons against whom allegations are regarding assaulting the first informant are released on bail by the Coordinate Bench of

this Court. Further, so far as the present applicants are concerned, it is alleged against them that they had beaten deceased, Jitendra Sahi by means of an iron rod. Report of post-mortem examination of dead body of Jitendra Sahni shows that he had suffered fracture of parietal bone of Head Skull. Cavity of the dead body was filled with Haemorrhagic blood fatal blows. Thus are attributed to applicants. Even if we ignored the concept of vicarious liability under Section 149 of the Indian Penal Code, there is prima facie case against the applicants.

In the result, no case for bail is made out so far as both the applicants are concerned.

The application is, accordingly, rejected.

(A. M. Badar, J)

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