

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28195 of 2020

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

1. MANTU SAHANI S/o Sonelal Sahani
2. Sonelal Sahani Son of Late Lakhan Sahani
Both Residents of Village- Madhusudan Pakhri, P.S.- Lalganj, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Pravin Kumar, Adv.
For the Opposite Party/s : Mr. Jainarayan Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 08-01-2021 Heard both sides.

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 save, 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.

The learned counsel for the petitioners submits that there is a counter version being Lalganj P.S. Case No.78 of 2020. The informant, wife of Mantu Sahani(petitioner No.1) lodged the case against Ballabh Sahani and others. They had entered into the house with an intention to commit rape and many persons came and assaulted Vakil Sahani and Rajballabh Sahani. 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. Similarly situated co-accused namely Ram Sewak Sahni @ Sewak Sahni has already been granted bail vide order dated 12.11.2020 passed by a co-ordinate Bench of this Court in Cr. Misc. No.25515 of 2020. The case of the petitioner stands on the same footing.

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.

It appears from perusal of the F.I.R. that twelve persons are alleged to have assaulted the deceased Rajballabh Sahani and Vakil Sahani with chopper but no sharp cut injury was found on the person of the deceased Rajballabh Sahani and on the person of Vakil Sahani who is injured. Vakil Sahani got three injuries all injuries are simple and another person Rajballabh Sahani got one injury on head which is opined to be caused by hard and blunt object.

Taking into consideration the facts aforesaid and the fact that similarly situated co-accused has already been enlarged on bail and petitioners are in custody since 01.04.2020, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate XIV, Vaishali at Hajipur in connection with Lalganj P.S. Case No.77 of 2020.

(Prabhat Kumar Jha, J)

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