

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56076 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- AURAI District- Muzaffarpur

Kari Sahani Son of Late Bhujungi Sahni Resident of village - Shambhuta
Mallah Tola, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Bela Singh, Advocate

Mr. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 295 of 2022 arising out of Aurai P.S. Case No. 116 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 447, 448, 307, 504 and 302 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with other co-accused persons armed with weapons (*knife, danda* and *lathi* etc.) assaulted the informant's

father namely, Vijay Sahni by means of knife as a result to which he died. Further, it is alleged that the said assault took place with regard to a land dispute between both the parties.

The main submissions advanced by Mr. Bela Singh, learned counsel for the petitioner are that altogether twenty-four persons including the petitioner have been named in the FIR but any specific role of the petitioner in inflicting *knife* blows to the deceased and other injured persons has not been revealed in the FIR and the allegation concerning the petitioner is general and omnibus. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 20.11.2021 and two co-accused persons namely, Urmila Devi and Prabhu Sahni have been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 25120 of 2022 and Cr. Misc. No. 62975 of 2021 respectively.

Mr. Nawal Kishore Prasad, learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly the facts that in the FIR there is no specific allegation against the petitioner and two similarly situated co-accused persons mentioned above are on bail and on the body of the deceased only one sharp cut injury which resulted in his death was found

and also taking into account the petitioner’s custody period, this Court is inclined to accept his bail prayer. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Aurai P.S. Case No. 116 of 2021.

(Shailendra Singh, J)

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