

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62236 of 2022

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

1. Umesh Sahani, aged about 44 yrs, male Son of Jaglal Sahni R/V- Maksudan Pakri, P.S- lalganj, Dist- Vaishali
2. Ramjas Sahani aged about 48 years, male, Son of Late Lakhan Sahni R/V- Maksudan Pakri, P.S- Lalganj, Dist- Vaishali
3. Ranjan Sahani, aged ab out 21 yrs, male, Son of Ram Jas Sahni R/V- Maksudan Pakri, P.S- lalganj, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv.

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Lalganj PS Case No. 77 of 2020, dated 11-03-2020, registered for the offence punishable 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 co-accused 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 postmortem 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 thirteen accused persons. Similarly situated co-accused, namely, Ram Sewak Sahni @ Sewak Sahni, Mantu Sahani and Sonelal Sahani have already been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. Nos. 25515 of 2020 and 28195 of 2020. The case of the petitioner stands on the same footing. It is submitted that investigation is complete.

The petitioners are in custody since 23-06-2022. Petitioner No.1 has one antecedent whereas petitioner Nos. 2 and 3 have no antecedents.

Learned A.P.P. for the State has opposed the prayer for bail.

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.

Considering the rival submissions, claim based on parity and petitioners' period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate- IX, Vaishali, in connection with Lalganj PS Case No. 77 of 2020, dated 11-03-2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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