

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44964 of 2015

Arising Out of PS.Case No. -371 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

- 1. Dhiraj Sahani son of Mathura Sahni
- 2. Shyam Sahni son of Mathura Sahni
- 3. Sanjit Sahni son of Bihari Sahni
- 4. Dhanraj Sahni son of Bihari Sahni
- 5. Dewanand Sahni son of Manezar Sahni

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.45974 of 2015

Arising Out of PS.Case No. -371 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

Uday Kumar, Son of Shri Kameshwar Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44964 of 2015)

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

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

(In Cr.Misc. No.45974 of 2015)

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 02-11-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 147, 148, 323, 379, 387, 506 of the Indian Penal Code and section 3(1) (x)

of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case is that on 13.06.2015 at 09.30 pm., the accused persons came variously armed at the shop of the informant when petitioner no.1 Dhiraj Sahni (in Criminal Miscellaneous No.44964 of 2015) demanded Rs.5,000/- per month, as extortion, gave life threatening and abused by calling caste name. The other accused persons also assaulted the informant and took away Rs.25000/-.

It is submitted by learned counsel for the petitioners that accusation of abusing by calling caste name is omnibus and general against all the accused persons. It is further submitted that for the occurrence of 13.06.2015 at 09.30 pm, the FIR was registered on 14.06.2015 at 01.45 pm, which reached to the court of learned Judicial Magistrate on 17.06.2015, which reflects antedating of the FIR. Admittedly, no injury was caused to the informant. Moreover, the informant has retracted from initial version and has filed a petition to that effect before the learned court below, the same has been brought on record as annexure-2 to the petition. A statement has been made in paragraph 3 of both the petitions that the petitioners have no criminal antecedent.

Considering the delayed reaching of the FIR to the

court of learned Judicial Magistrate which clouds the prosecution case and retracted version of the informant, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Motihari Town P.S. Case No.371 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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