

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3472 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mahesh Sahani Son of Daroga Sahani
 2. Brij Mohan Sahani Son of Daroga Sahni both resident of Village - Ibrahimpur Parsauni Kothi, P.S. Phenhara, District - East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Nagendra Prasad (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 26-05-2015 Heard Mr. D. K. Sinha for the petitioners and Mr. Verma for the informant.

The two petitioners herein are cited along with others as accuseds of Phenhara P.S. Case No. 44 of 2014 instituted under section 307 IPC. Allegation is that on account of land disputes the informant and one Anil Sahni were assaulted by petitioner nos. 1 and 2 respectively. Other accused persons assaulted other members of the prosecution side.

The contention of the petitioners is that there is a counter case also in which some of the present accused party have received injuries in which they have been released on anticipatory bail.

On going through the FIR it appears that petitioner no.1 assaulted the informant by means of Farsa, whereas petitioner no.2 assaulted the informant with iron rod on his head. From the injury reports it appears that Anil Sahni received injury on his

head caused by hard and blunt substance. The informant received as many as three injuries, one being sharp-cut on his head.

Considering the facts and circumstances of the case, I am not inclined to privilege petitioner no. 1 abovenamed with anticipatory bail. His prayer for bail is rejected. He should surrender and pray for regular bail which shall be considered and disposed of on its own merit by the court below in accordance with law.

So far as petitioner no. 2 Brij Mohan Sahni is concerned, in the event of arrest/surrender within four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Sikarahnna at Motihariin Phenhara P.S. Case No. 44 of 2014 on condition that one of the bailors shall be his own/close family member. He shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall cancel his bail bonds.

(Kishore Kumar Mandal, J)

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