

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52989 of 2015

Arising out of PS.Case No. -137 Year- 2014 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Munilal Sahani Son of Late Gena Sahani
 2. Asheshar Sahani Son of Late Gena Sahani
 3. Kunal Sahani Son of Late Gena Sahani
 4. Manoj Sahani Son of Munilal Sahani
 5. Sanoj Sahani Son of Munilal Sahani
 6. Sheoji Sahani Son of Munilal Sahani
 7. Alakh Sahani Son of Lagan Sahani
 8. Subodh Sahani Son of Bholi Sahani
 9. Sanjay Sahani Son of Lalgir Sahani
 10. Santosh Sahani Son of Alakh Sahani

All Resident of village- Majhariya, P.S.- Pipra Kothi, District- East
Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

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

For the Opposite Party/s : Smt. Anita Kumari Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 16-12-2015 Heard Mr. Uma Kant Shukla, learned counsel for the

petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection
with Pipra Kothi P.S. Case No. 137 of 2014 for the offences
punishable under Sections 147, 148, 149, 341, 323, 324, 325,
307, 380, 504 and 427 of the Indian Penal Code.

Mr. Shukla, learned counsel for the petitioners with
reference to the FIR placed at Annexure-1 and 2 to the writ
petition has submitted that the parties are on litigating terms and



there are case and counter case in between the parties. He, with reference to the allegations made at Annexure-1, has submitted that while there are specific allegation against the petitioner nos. 4 and 5 of assault on the head of the informant as also against the petitioners no. 2 and 3 of assault on the brother of the informant but the injuries on the brother of the informant as manifest from the injury report is simple in nature. He further submits that the rest of the petitioners have been charged in an omnibus manner of assault by different weapons.

Having heard learned counsel for the parties and considering the nature of allegation set out in the F.I.R., this Court is not persuaded to consider the prayer of anticipatory bail made by the petitioner no. 2 Asheshar Sahani, petitioner no. 3 Kunal Sahani, petitioner no. 4 Manoj Sahani and petitioner no. 5 Sanoj Sahani, who are directed to surrender before the court below and pray for regular bail which shall be considered and disposed of on its own merits without being prejudiced by the present order.

Insofar as the petitioners, namely, (1) Munilal Sahani; (6) Sheoji Sahani; (7) Alakh Sahani; (8) Subodh Sahani; (9) Sanjay Sahani; and (10) Santosh Sahani are concerned, in view of the general and omnibus nature of allegation, in the event of their arrest or surrender within four weeks from today, be released on

bail upon each of them furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate-1st Class, Motihari and/or the court concerned in connection with Trial No. 7791 of 2014 arising from Pipra Kothi P.S. Case No. 137 of 2014 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application is allowed in part.

(Jyoti Saran, J)

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