

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5690 of 2016

Arising Out of PS.Case No. -184 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

1. Ghutuk Sahni son of Late Aklu Sahni
2. Joka Sahni son of Ghutuk Sahni
3. Sri Ram Sahni son of Ghutuk Sahni
4. Panwati Devi wife of Ghutuk Sahni
5. Jai Mangal Sahni son of Late Aklu Sahni
6. Pashuram Sharan son of Late Jaldhari Sah All R/o Village- Brindawan,
P.S.- Tariyani, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. R.P.S Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-04-2016

At the outset, it is submitted on behalf of the petitioners that petitioner no. 5, namely, Jai Mangal Sahni, has been arrested during the pendency of this application and this application, so far as petitioner no. 5 is concerned, has become infructuous.

This application, so far as petitioner no. 5, namely, Jai Mangal Sahni is concerned, stands dismissed as having become infructuous.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Tariyani Police Station Case No. 184 of 2015,

disclosing offences under Sections 328 and 302/34 of the Indian Penal Code.

The informant and the petitioner belong to the same family.

It is alleged that these petitioners assaulted the wife of the informant with an intention to kill her, but when she did not die by such assault, they administered poison to her.

Learned Counsel appearing on behalf of the petitioners has submitted that there was a title suit filed by the petitioner no. 1 for recovery of possession of a land, which was sold in favour of petitioner no. 1 by duly executed sale deed by the informant. The said suit was decreed in favour of petitioner no. 1 and an execution case is pending, vide Execution Case No. 11 of 2011. He submits that in order to harass these petitioners, the First Information Report has been instituted. He has also submitted that though there is allegation of assault by these petitioners on the informant's wife, no external injury has been found on her body.

I find substance in the submissions advanced on behalf of the petitioners.

This application is, accordingly, allowed.

Let the petitioners, namely, Ghutuk Sahni, Joka

Sahni, Sri Ram Sahni, Panwati Devi and Pashuram Sharan, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar, in connection with Tariyani Police Station Case No. 184 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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