

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9859 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Dhup Lal Sahani Son of Late Bira Sahani
2. Manoj Sahani Son of Late Ramjanam Sahani
3. Sunil Sahani Son of Late Ramjanam Sahani
4. Abhisek Kumar Son of Dhuplal Sahani All are residents of Village-
Sonrapur Malahi Tola, P.S.- Kesariya District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Shankar Shrivastava, Advocate.

For the Opposite Party : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-07-2016 Heard both sides.

The petitioners apprehend their arrest in Kesariya P.S.
Case No. 15 of 2016 registered for the offences punishable under
Sections 147, 148, 341, 323, 324, 379 and 427 of the Indian Penal
Code and under Section 27 of the Arms Act.

Fulendra Sahani the informant alleged that while he was
harvesting his paddy crops the petitioners came on his field.
Manoj Sahani repeatedly assaulted him with Dabiya, when Rajesh
Kumar came to rescue Dhup Lal Sahani assaulted him with Pharsa
and when Atibal Sahani came to save Abhisek Kumar assaulted
him with Lathi. It is further alleged that Sunil Sahani took Rs.
5000/- from the pocket of the informant.

It is submitted that there is a counter version being Kesariya P.S. Case No. 307 of 2015. There is partition with regard to the land. From the side of the petitioners many persons were also injured.

It appears that Manoj Sahani repeatedly assaulted the informant Fulendra Sahani with Dabiya on his head and other parts of the body. Four incised wound were found and the opinion with regard to injury was kept reserved. Rajesh Sahani and Atibal Sahani got simple injuries.

Considering the facts aforesaid and the fact that there is case and counter case and on account of assault made by other accused persons except Manoj Sahani the injured got simple injuries, the petitioner no. 1 Dhup Lal Sahani, petitioner no. 3 Sunil Sahani and petitioner no. 4 Abhisek Kumar, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Additional Chief Judicial Magistrate 11th, Motihari, East Champaran in Kesariya P.S. Case No. 15 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as case of petitioner no. 2 Manoj Sahani is concerned he is alleged to have assaulted Fulendra Sahani the informant with Dabiya and as many as four injuries on the head and other parts of body was found. Considering the facts, I am not inclined to enlarge the petitioner no. 2 Manoj Sahani on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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