

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26114 of 2016

Arising Out of PS.Case No. -22 Year- 2014 Thana -JAMALPUR District- DARBHANGA

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1. Ram Prasad Sahani S/O Saini Sahani,
2. Kali Devi w/o- Ram Prasad Sahani.
3. Anirudh Sahani, S/O Ram Khelawan Sahani.
4. Sanjit Sahani S/O- Kusho Sahani,
5. Binod Sahani, S/O- Rajo Sahani,
6. Manoj Sahani, S/O- Narayan Sahani.
7. Kusho Sahani @ Muso Sahani, S/o- Mishri Sahani,
8. Rajo Sahani S/o- Mishrai Sahani,
9. Sunita Devi, W/o- Anirudh Sahani All are R/v- Jagaso, P.S- Jamalpur,
District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with

Jamalpur P.S.Case No. 22/2014 registered for the offence
punishable under Sections 147,341, 323, 307, 379, 504 and 506 of
the Indian Penal Code.

The prosecution case as per the F.I.R. is that on

16.02.2014 at 3 P.M. the informant was coming home from
Jamalpur after taking clothes and when she reached near the house



of petitioner Ram Prasad Sahani, co-accused Jibachh Sahani and others, who were armed with lathi and Paina, blocked the road. It is further alleged that accused Jibachh Sahani assaulted with iron rod and the petitioner Ram Prasad Sahani assaulted with lathi to the informant as a result of which she fell down and when her husband and nephew came to save, the petitioner Rajo Sahani assaulted with Farsa to the informant's husband and he sustained injury. It is alleged that when Udgar Sahni came to save, petitioner Kusho Sahni, Manoj Sahani and Binod Sahani assaulted him with lathi. There is allegation of theft also.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He further submits that both parties are neighbours and there is a counter case registered by these petitioners bearing Jamapur P.S. Case No. 23/2014 for the same occurrence on the same day in which both parties sustained injuries. Learned counsel for the petitioners further submits that both sides received simple injuries and in Jamalpur P.S. Case No. 23/2014, the informant's side have already been granted bail by the learned Court below. He submits that Section 307 I.P.C. is not applicable and these petitioners have no criminal antecedent as is evident from para- 3 of the application.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Biraul, District- Darbhanga in connection with Jamalpur P.S. No. 22/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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