

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12425 of 2016

Arising Out of PS.Case No. -447 Year- 2015 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Khajanti Sahani son of Late Sugan Sahani,
2. Nitesh Kumar @ Nitesh Sahani son of Khajanti Sahani,
Both residents of Village- Sonbarsa, P.S.- Harsidhi, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-05-2016 Heard the learned counsel for the petitioners, the

learned A.P.P. representing the State and learned counsel for

the informant.

The petitioners seek bail in connection with

Harsidhi P.S. Case No. 447 of 2015 registered for the offences

punishable under Sections 147, 149, 323, 324, 448, 341, 307

and 506 of the Indian Penal Code.

Allegedly, the petitioner No. 1 being the father and

the petitioner No. 2 being the brother of the informant along

with other co-accused, after tying the legs of the informant and

her friend Shyam Kumar Sahani in a mango tree with the help

of rope started assaulting brutally with an intention to kill them as the informant wanted to marry with Shyam Kumar Sahani and when Deonandan Sahani, the father of Shayam Kumar Sahani arrived at the place of occurrence with police force, Santosh Sahani assaulted Deonandan Sahani with iron rod on his head causing bleeding.

Submission is of false implication and that the informant is not a major rather she is minor which is evident from the medical report as the Doctor has mentioned her age as 15 years, further, the injuries found on the person of the informant and Shayam Kumar Sahani are simple in nature caused by the hard and blunt object and so far the injury caused to Deonandan Sahani is concerned i.e. against the co-accused Santosh Sahani and not against the petitioners, the petitioners are in custody since 18.12.2015 and 07.01.2016 respectively and now, both have been sufficiently penalized, to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that due to the intervention of police, the life of the informant and Shayam Kumar Sahani were saved.

In the facts and circumstances stated above, the petitioners, above named, ***shall be released on bail after***

completion of six months in custody from the date of their remand on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 447 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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