

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4590 of 2016

Arising Out of PS.Case No. -327 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Buli Sahani
 2. Dhiraja Sahani @ Girija Sahani
 3. Julum Sahani
 4. All S/o Late Raghunath Sahani
 5. Jitendra Sahani @ Jitendra Kumar S/o Julum Sahani
 6. Bhadaï Sahani @ Angad Sahani s/o Dhiraja Sahani @ Girija Sahani
 7. Gandhi Kumar S/o Buli Sahani
 8. Kalawati Devi W/o Dhiraja Sahani @ Girija Sahani
 9. Nisha Devi W/o Buli Sahani
 10. Subashni Devi w/o Julum Sahani
- All r/o Bahuari P.S. Lakhawara Dist E. Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Satyendra Nr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-02-2016

Heard learned counsels for the petitioners
and the State.

The petitioners are apprehending their
arrest in a case registered for the offences punishable under

Sections 341, 342, 323, 324, 379, 307, 447, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that the informant was sowing paddy seedlings in his field, in the meantime, the accused persons including the petitioners came variously armed when petitioners Buli Sahani, Dhiraj Sahani and Julum Sahani started abusing the informant and obstructed the informant from sowing paddy seedlings and threatened him. On protest being made, petitioner no. 1 Buli Sahani caused injury with Farsa on the head of the informant as a result he fell down on the ground, thereafter, all the accused persons assaulted the informant with lathi, danda and iron rod. When the son of the informant, Sanjay Sahani came to rescue then he was assaulted by petitioner no. 6 Gandhi Kumar and ladies accused persons. It is further alleged that petitioners Jitendra Sahani and Bhadai Sahani took away gold ornament from the informant's son and cash of rupees eight thousand.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 to 3 are own brothers of the informant, hence, in the background of land dispute the accusation has been levelled. Informant and his son have received one injury each of marginal size, simple in nature

caused by hard and blunt substance. Though, the accusation of assault is omnibus and general against eight accused persons but the specific accusation of assault is against petitioner no. 1 Buli Sahani, moreover, there is a counter version of the occurrence also.

Considering the accusation being not corroborated with medical opinion and accusation has been levelled in the background of land dispute, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, 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, Motihari, East Champaran in connection with Muffasil (Lakhawara) P.S. Case No. 327 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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