

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34731 of 2016

Arising Out of PS.Case No. -99 Year- 2016 Thana -MOTIPUR District- MUZAFFARPUR

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1. Pintu Sahni, Son of Late Shambhu Sahni
2. Sanjay Sahni, Son of Shiv Mangal Sahni
3. Naresh Sahni, Son of Shiv Mangal Sahni
All resident of Nariyar Nawada, P.S.-Motipur, District – Muzaffarpur.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioners : Mr. Syed Firoz Raza, Advocate.

For the Opposite Party : Ms. Indu Bala Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 27-10-2016 Heard both sides.

The petitioners apprehend their arrest in Motipur P.S.
Case No. 99 of 2016 registered for the offences punishable under
Section 376, 511 and some other Sections of the Indian Penal
Code.

The victim alleged that while she had gone to attend the
call of nature Pintu Sahni and Sanjay Sahni petitioner no. 1 and 2
respectively put her down on the ground in order to outrage her
modesty. When the victim raised alarm Mamta Kumari her sister-
in-law came but Pintu Sahni stabbed in her chick.

Learned counsel for the petitioners submits that
petitioner no. 3 Naresh Sahni is not named in the FIR. There is no
specific allegation against petitioner no. 3. The victim has

encroached the land of petitioner no. 1 and 2 and that is why they have falsely been implicated in the case. Co-accused Sadai Sahni has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 31451 of 2016.

It appears that the victim has made very specific allegation that Pintu Sahni and Sanjay Sahni petitioner no. 1 and 2 caught her and put her down on the ground in order to outrage her modesty while she had gone to attend call of nature. No documentary proof is brought on record to show that the petitioners have got any enmity with the victim.

Considering the nature of allegation made against the petitioners 1 and 2 Pintu Sahni and Sanjay Sahni, I am not inclined to enlarge them on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 3 Naresh Sahni is concerned, he is not named in the FIR. Name of petitioner no. 3 figured during the course of investigation but the victim herself did not make any sorts of allegation against petitioner no. 3 Naresh Sahni. Considering the facts aforesaid, petitioner no. 3 Naresh Sahni, in the event of his 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, is directed to be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in Motipur P.S. Case No. 99 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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