

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31084 of 2016

Arising Out of PS.Case No. -134 Year- 2015 Thana -BISFI (PATAUNA) District- MADHUBANI

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1. Prabodh Sahni @ Pramod Sahni son of Late Jugeshwar Sahni
2. Bijay Sahni @ Vijay Sahni son of Sri Jogi Sahni Both residents of Village Vardaha, P.S. Bisfi (Patauna O.P.), District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate.

For the Opposite Party/s : Mr. M.Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 22-08-2016 Heard both sides.

The two petitioners herein along with others are cited accuseds of Bisfi P.S. case no. 134 of 2015, registered under Sections 340, 323,324,354, 386, 379, 504, and 506/34 of the IPC. Apprehending their arrest the present application for anticipatory bail.

On the relevant date, it is alleged, three accused persons including the petitioners entered into the house of the informant and assaulted the inmates by lathi, rod and hockey stick etc. Co- accused Sanjay Sahani also caused injury to the daughter-in-law of the informant. An attempt was also made by him to molest the daughter-in-law. When the informant came to

rescue he was also assaulted. A demand of rangdari was made for fishing in the pond.

Contention of the petitioner is that Sanjay Sahani had also lodged a case vide Annexure-2 against the prosecution side registered under section 307 of the IPC for having assaulted him at his betel shop. It would appear from perusal of the FIR itself that the injured got treated by a private doctor. It is submitted that actually no injury report of the injured is on record. The petitioners do not carry any criminal antecedents. Allegation of outraging the modesty is not attributed to them.

Looking to the allegations and the other materials reflected from the record, particularly, the counter version which has not been explained in the present FIR, I am persuaded to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Benipatti, Madhubani, in connection with Bisfi P.S. case no. 134 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further

following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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