

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12116 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

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1. Anita Devi Wife of Mahesh Sahni
2. Rakesh Sahni, Son of Mahesh Sahni
3. Awadhesh Sahni Son of Mahesh Sahni
4. Kishori Sahni Son of Bathu Sahni All Resident of Village- Narma Dih,
P.S.- Hathauri, District- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ravi Ranjan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-03-2017 Heard learned counsel for the petitioners as well
as learned Addl. Public Prosecutor.

The petitioners pray for anticipatory bail in connection with Hathauri P.S. case no. 111 of 2016 registered for the offence punishable under Sections 302, 307 and other sections of the Indian Penal Code and Section 27 of Arms Act.

It is submitted on behalf of petitioners that there is specific allegation of assault against three accused persons but not against the petitioners. It is further submitted that the allegation is that all the persons including the petitioners have indiscriminately assaulted the informant and two accused persons have strangulated the daughter of the informant by tiding *dupatta*



around his neck but the injury on the persons of the other injured are simple in nature and the prosecution side got injured also.

Heard learned A.P.P. and learned counsel for informant also. Learned counsel for informant has opposed the prayer for bail.

Having heard both sides. In view of the fact that there is specific allegation of strangulating the daughter of the informant against petitioner nos. 2 to 4, I am not inclined to grant anticipatory bail to petitioner nos. 2 to 4. As such, their prayer for anticipatory bail is rejected. However, petitioner nos. 2 to 4 may surrender before the court below and pray for regular bail and the court below will dispose of the matter on its own merit without being prejudiced by the order of this Court.

So far as petitioner no. 1 is concerned, there is no allegation of indiscriminating assault against her. As such, the bail application of petitioner no. 1 is allowed and she is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/-(Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Hathauri P.S. case no. 111 of 2016 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with a condition that bailors should be the



local one having sufficient property within the jurisdiction of learned court below and with further condition that she will cooperate and assist in the investigation of the case and if she fails to assist the investigating officer, the prosecution shall be at liberty to move for cancellation of her bail bonds.

With the above observations, this bail application is disposed of.

(Vinod Kumar Sinha, J.)

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