

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5515 of 2017

Arising Out of PS.Case No. -161 Year- 2016 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Amerika Thakur @ Ambika Thakur , S/o late Shital Thakur
2. Krishna Sahni, S/o late Dayali Sahani
3. Brij Kishore Sahani, S/o Ram Swarath Sahni
All resident of village-Jhitkhiyan, P.S. Muffasil (Lakhaura), District- East
Champaran (Motihari)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2017 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners are apprehending their arrest in connection with Muffasil (Lakhaura) P.S. Case No. 161 of 2016 (G.R. No. 2192 of 2016) instituted for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act, have approached this Court for grant of anticipatory bail.

The allegation as per written report is that on 07.04.2016, when the informant was going to Lakhaura Bazar, reached near the house of Raj Narayn Thakur, accused Raj Kishore Sahani started abusing him and on protest, the said Raj



Kishore Sahani called other co-accused and assaulted him. Accused Amerika Thakur shot a firing, which could not hit him and therefore, accused Brij Kishore Sahani and Kedar Sahani tried to press his neck with intention to kill him and accused Raj Kishore Sahani caused injury by Pharsa blow on his head. It has further been alleged that accused Anil Sah, Mawalal Thakur and Lallan Sahani took cash an amount of Rs. 12,000/-, golden Hanumain and ring from his possession. The villagers, subsequently, came and took him to hospital.

The learned counsel for the petitioners submits that the allegation of assault is omnibus against the petitioners. The occurrence allegedly took place on 07.04.2016, whereas the F.I.R. was registered after one month i.e. on 08.05.2016, for which no reason has been assigned. It was also submitted that the injuries allegedly caused by these petitioners are simple in nature. The allegation of Pharsa blow against other co-accused is not these petitioners before this Court. It was the informant, who committed overt act for which the petitioner no. 1 lodged Muffasil (Lakhaura) P.S. case No. 123 of 2016 on the following day i.e. on 07.04.2016.

The learned APP on the other hand opposed the submission.



In written report, I find that the allegation of causing Pharsa injury is against other accused and the injury allegedly sustained by the informant attributed to these petitioners is simple in nature. There is also unexplained delay of one month in lodging the F.I.R., besides that a counter version is against the informant for which Muffasil (Lakhaura) P.S. case No. 123 of 2016 has been lodged, I am inclined to extend them the privilege of anticipatory bail.

Let the petitioners above named, in the event of arrest / surrender within 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil (Lakhaura) P.S. Case No. 161 of 2016 (G.R. No. 2192 of 2016), subject to the condition as laid down under Section 438(2), the Code of Criminal Procedure with further condition that:

- (i) One of the bailors shall be their own/close family members.
- (ii) The petitioners shall appear on each dated fixed at the trial. In case of fault in appearance on two consecutive dates, the trial



court shall have liberty to cancel their bail
bonds.

(Sanjay Kumar, J)

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