

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25611 of 2017

Arising Out of PS.Case No. -209 Year- 2016 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Raju Sahni, Son of Singeshwar Sahni,
2. Goni Sahni, Son of Sureshwar Sahni,
3. Raj Kumar Sahni, Son of Goni Sahni,
4. Birju Sahni, Son of Raju Sahni,
5. Ram Parikshan Sahni @ Ram Jiwan Sahni, Son of Anchchi Sahni,
6. Dipu Sahni , Son of Ram Parikshan Sahni @ Ram Jiwan Sahni, All
Resident of Village- Sahatha , Police Station- Bhagwanpur, District-
Vaishali (Hajipur).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-07-2017 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of
Bhagwanpur P. S. Case No. 209 of 2016, disclosing offences
under Sections 147,149,341,323,324,307,436,504,379 of the
Indian Penal Code.

Learned counsel for the petitioners has submitted that
there is no specific allegation of assault against petitioners No. 5
and 6. As regards petitioners No. 2 and 4 are concerned, they are
said to have assaulted the informant's side with butt of the gun,
which goes to show that there was no intention to kill and,



therefore, no offence under Section 307 of the Indian Penal Code is made out. As regards petitioner No.3, the allegation against him is of assaulting one Shiv Balak Sahni with rod but no injury has been referred. The petitioner no.1 is said to have assaulted with farsa on the head of the wife of informant's elder brother. There is nothing to show that she received any grievous injury. It has also been submitted that there is case and counter case for the same occurrence and the parties are on litigating terms.

Learned counsel appearing on behalf of the informant opposing the prayer for anticipatory bail, has submitted that since the petitioners have criminal antecedent, they do not deserve the privilege of anticipatory bail. He has also submitted that some of the injuries have been found to be grievous in nature and for that reason also, petitioners do not deserve for anticipatory bail.

However, considering the facts and circumstances, particularly the aspect that petitioners and the informant are on litigating terms and they are filing cases against each other, a case for grant of anticipatory bail is made out. Accordingly, this application is allowed.

Let the petitioners in the event of their arrest/surrender within four weeks from today in the Court below be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each



with two sureties of the like amount each to the satisfaction of the learned Third Additional Chief Judicial Magistrate, Vaishali at Hajipur in Bhagwanpur P.S. Case No. 209 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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