

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47699 of 2017**

Arising Out of PS. Case No.-99 Year-2017 Thana- SARAI RANJAN District- Samastipur

1. Sanjay Sahni
2. Ajay Sahni @ Ajay Kumar Sahni
3. Rajkishore Sahni, 1 to 3 are S/o- Mansukh Sahni
4. Raj Kamal Sahni, S/o Sanjay Sahni
5. Ranju Devi, W/o Sanjay Sahni, All 1 to 5 are R/o-Village Nauachak, P.S.-Sarairanjan, District -Samastipur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. SRI RAM BILASH ROY RAMAN

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

2      17-10-2017      Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offenses punishable under Sections 447, 341, 323, 325, 307, 504 and 506/34 of the IPC.

The prosecution, as emanates from the fardbeyan of the informant Kapildeo Sahni, recorded in PMCH on 17.05.2017, is that petitioner no.1 Sanjay Sahni forcibly grabbed the land of the informant by keeping fodder and other articles. It is further submitted that on 15.05.2017 at 11 AM, the petitioners along with the others started cutting away soil from the land of the informant and on protest being made, petitioner no.1, Sanjay Sahni and petitioner no.2, Ajay Sahni assaulted with iron rod on the head of the informant, thereafter, petitioner nos. 3 and 4 Raj



Kishore Sahni and Raj Kamal Sahni assaulted the informant with lathi and when father and son of the informant came to rescue, they were also assaulted. Subsequently, local people brought the informant to PHC, Sarairanjan, and thereafter, he was referred to PMCH.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The petitioners are admittedly the agnates of the informant. For the occurrence of 15.05.2017, the Fardbeyan was recorded on 17.05.2017 when the FIR was registered after ten days of the occurrence i.e., on 25.05.2017. There is counter version of the occurrence also as the petitioners' side lodged Complaint Case No. 5 of 2017.

It is further submitted only one injury report of the informant is on record, which suggests one lacerated wound of marginal size on occipital region of the skull caused by hard and blunt substance, hence the accusation is not being corroborated by the injury report. Though, there is accusation of making assault to the son and father of the informant, but their injury reports are not on record.

Considering the delayed lodging of the case, the accusation being not corroborated by the medical opinion, the injury being



found superficial simple in nature and the accusation being levelled in the background of serious land dispute coupled with the statement made in paragraph no.3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest/surrender within a period of 12 weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned learned ACJM-6, Samastipur in connection with Sarairanjan P.S. Case No. 99 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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