

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56653 of 2017

Arising Out of PS.Case No. -3 Year- 2017 Thana -MUSAHRI District- MUZAFFARPUR

- =====
1. Khakhiya Devi @ Khagiya Devi, Wife of Sri Rajendra Sahni.
 2. Musmat Yasoda Devi, Wife of Late Horil Sahni.
 3. Sunaina Devi, Wife of Sri Upendra Sahni.
 4. Mintu Sahni @ Mintu Kumar Sahni, Wife of Late Nagendra Sahni.
 5. Ranjan Sahni, Son of Late Nagendra Sahni.
 6. Amar Kishore Sahni, Son of Late Nagendra Sahni.
 7. Ram Raji Sahni, Son of Late Saryug Sahni.
- All resident of Village- Aathar Bansman, P.S.- Mushahari, District-
Muzaffarpur, Bihar.

.... Petitioners.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioners : Mr. Prabhat Kumar Singh, Advocate.
For the State : Mr. Ahtash Ali Khan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 07-12-2017 At the very outset, learned counsel for the petitioners submits that the petitioner no.4, namely, Mintu Sahni alias Mintu Kumar Sahni, has already been arrested by the police in the case and seeks permission to withdraw this application in respect of the petitioner no.4, namely, Mintu Sahni alias Mintu Kumar Sahni.

Permission is accorded.

This application, in respect of the petitioner no.4, namely, Mintu Sahni alias Mintu Kumar Sahni, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 2, 3, 5, 6 and



7, above named, for grant of anticipatory bail is being considered.

Heard.

The petitioner nos.1, 2, 3, 5, 6 and 7, above named, apprehend their arrest in connection with Mushahari P.S. Case No.3 of 2017 registered under Sections 364, 307, 323, 341, 504 and 149 of the Indian Penal Code.

The accusation is that on 10.10.2016, Phool Kumari Devi, the wife of the complainant/informant Ajay Sahni, had gone to see the goddess Durgaji at Dwarika Nagar Chowk from her house. During the course of the returning of the wife of the complainant/informant to the house, Harendra Sahni with the help of other accused, named in the complaint petition, including these petitioners enticed her away. Thereafter, the complainant/informant, on 31.10.2016, went to the house of the petitioner no.3 Sunaina Devi to make query about his wife but she started to abuse him. On protest made by the complainant/informant, all the accused including these petitioners, who were also present there, started to chase him and, thereafter, he came to his door. After that, all the accused including these petitioners came at the door of the complainant/informant. At that time, Harendra Sahni and Mintu Sahni caused assault at the head of the complainant/informant through iron rod. The petitioner



no.5 Ranjan Sahni, petitioner no.6 Amar Kishore Sahni, petitioner no.7 Ram Raji Sahni, petitioner no.2 Musmat Yasoda Devi, petitioner no.1 Khakhiya Devi, petitioner no.3 Sunaina Devi and Raju Sahni, while abusing the complainant/informant caused assault to him through lathi, danda, fists and slaps. Thereafter, the complainant/informant was rushed to the hospital for treatment.

Learned counsel for the petitioner nos.1, 2, 3, 5, 6 and 7 submits that in course of investigation, the statement of Phool Kumari Devi, the wife of the complainant/informant, was recorded under Section 164 of the Code of the Criminal Procedure on 09.01.2017, in which she has stated about enticing her away by the co-accused Harendra Sahni. She has not disclosed the name of any of these petitioners. Moreover, the injuries, as found on the person of the complainant/informant are simple in nature. In fact, these petitioners are the neighbours of the complainant/informant and due to grudge and enmity, they have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 2, 3, 5, 6 and 7, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of the Sub Judge-III-cum-
Additional Chief Judicial Magistrate, Muzaffarpur, in connection
with Mushahari P.S. Case No.3 of 2017, subject to the conditions
laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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