

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22735 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -RUNISAIDPUR District- SITAMARHI

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1. Surendra Sahani son of Hit Lal Sahani
2. Bifai Sahani @ Bipahi @ Bipahi Sahani, son of Rameshwar Sahani Both
R/o Village- Olipur, P.S.-Runnisaidpur, District- Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Jha, Advocate.

For the Opposite Party : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-01-2017 Heard both sides.

The petitioners apprehend their arrest in Runnisaidpur P.S. Case No. 33 of 2016, registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant Shambhu Thakur named the petitioners and others and alleged that they having armed with different weapons came to his Darwaja and started abusing him and his father. When father of the informant objected Surendra Sahani, the petitioner no. 1 is alleged to have assaulted Raghunath Thakur, father of the informant, with iron rod on his head and Bifai Sahani @ Bipahi @ Bipahi Sahani, the petitioner no. 2 assaulted the informant with iron rod on his head.

Learned counsel for the petitioners submits that there is



case and counter case being Runnisaidpur P.S. Case No. 26 of 2016. The informant and his father were admitted in Primary Health Centre, Runnisaidpur but no injury report was issued. The informant made his fardbeyan on the next day of the occurrence in SKMCH, Muzaffarpur but till date the investigating officer has not collected the injury report of the informant. When a direction was given to S.P., Sitamarhi the injury report of Raghunath Thakur, father of the informant, is annexed with the case diary which shows that Raghunath Thakur got grievous injury. Surendra Sahani, the petitioner no. 1 is alleged to have assaulted Raghunath Thakur with iron rod on his head.

Considering the facts aforesaid and the fact that there is specific allegation against Surendra Sahani, the petitioner no. 1 that he assaulted Raghunath Thakur causing grievous injury on his head, I am not inclined to enlarge Surendra Sahani, the petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Bifai Sahani @ Bipahi @ Bipahi Sahani, the petitioner no. 2 is concerned, he is, of course, alleged to have assaulted the informant with iron rod which hit on his head and hand but even after lapse of more than one year the investigating office has not collected the injury report of the informant and submitted charge sheet. Learned counsel for the



petitioners submits that the informant did not receive any injury.

Considering the facts aforesaid and submissions of learned counsel for the petitioners that the informant did not receive any injury, the petitioner no. 2 Bifai Sahani @ Bipahi @ Bipahi Sahani, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Runnisaipur P.S. Case No. 33 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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