

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10693 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Lakhindra Sahni, son of Ganaur Sahni,
 2. Chandeshwar Sahni @ Chandesar Sahni, son of Gonaur Sahni,
 3. Manoj Sahni, son of Kamlesh Sahni, all residents of village- Khanpipra,
Police Station- Phenhara, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 07-04-2017

Heard learned counsel for the Petitioners and the
State.

The Petitioners apprehend their arrest in Phenhara
P.S. Case No.40 of 2016 instituted for the offence under
Section(s) 302/34 and 201 Indian Penal Code.

It has been submitted on behalf of the petitioners
that it has come in the case diary that son of the informant died
due to accident suffered by tractor.

From the written report, it appears that there is
allegation that Ganaur Sahani and Ashok Sahani caught hold the
son of the informant and Kamlesh Sahani assaulted with spade.
As such, there is no allegation against the petitioners.

The learned APP after looking into the case diary



has pointed out that in para 16 of the case diary it has come that son of the informant died due to accident caused by tractor. He has further submitted that there is also statement of the witnesses in the case diary that on account of death of son of the informant in the aforesaid accident, *Panchati* had also taken place in which tractor owner had agreed to give land to the informant as compensation.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Phenhara P.S. Case No.40 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if



petitioners tamper with the evidence or the witnesses of the case,
in that case, prosecution will be at liberty to move for cancellation
of bail of the petitioners.

(Sanjay Priya, J)

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