

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39215 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -KHANPUR District- SAMASTIPUR

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1. Jagarnath Sahni, S/o Late Mahendra Sahni,
2. Amarjeet Sahni @ Amarjeet Kumar S/o Jagarnath Sahni,
3. Durgesh Sahni @ Durgesh Kumar S/o Jagarnath Sahni, All R/o Vill.-
Amsaur, Khanpur, P.S.- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 06-07-2018 Heard both sides.

The petitioners apprehend their arrest in Khanpur P.S.
Case No.13 of 2018 registered under Sections 341, 323, 324, 307,
504, 34 of the Indian Penal Code.

Mahesh Sahni, son of Suga Sahni alleged that while his
father was returning from village Baikul on 23.02.2018, Jagarnath
Sahni, petitioner No.1 and Rambaran Sahni surrounded his father
in front of their house and began to abuse. When his father
objected, Jagarnath Sahni assaulted his father with lathi on his
head. Rambaran Sahni assaulted his father with farsa on his head
but the farsa blow was guarded by his father through his hand. His
father fell down after becoming unconscious. The informant



further alleged that his maternal brother took his father to Hospital for treatment who disclosed that Amarjeet Sahni, petitioner No.2 and Durgesh Sahni, petitioner No.3 also assaulted his father.

The learned counsel for the petitioners submits that there is a counter version. Jagarnath Sahni is the informant of Khanpur P.S. Case No.28 of 2018. The informant himself is not an eyewitness of the occurrence. The maternal brother of the informant disclosed that Amarjeet Sahni and Durgesh Sahni, petitioner Nos.2 and 3 also assaulted his father, Suga Sahni but he found only two injuries, one on head which is attributed to Jagarnath Sahni and another on hand which is attributed to Rambaran Sahni who is not the petitioner here.

Taking into consideration the facts that there is no specific allegation of assault against petitioner No.2, Amarjeet Sahni @ Amarjeet Kumar and petitioner No.3, Durgesh Sahni @ Durgesh Kumar, the petitioner No2, Amarjeet Sahni @ Amarjeet Kumar and petitioner No.3, Durgesh Sahni @ Durgesh Kumar in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged 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 learned S.D.J.M., Samastipur, District-Samastipur in connection with Khanpur P.S. Case No.13 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.1, Jagarnath Sahni is concerned, he is alleged to have assaulted the father of the informant with lathi on his head. The injury was found grievous in nature on account of fracture of right parietal bone.

Taking into consideration the facts aforesaid, I am not inclined to enlarge Jagarnath Sahni, petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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