

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44890 of 2018

Arising Out of PS.Case No. -535 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Raj Kumar @ Raja Kumar @ Raja Sahani,
 2. Sonu Kumar @ Sonu Sahani. Both are Sons of Suresh Sahani @ Suresh Saani , R/o Vill.- Furshatpur, Bairiya, P.O. and P.S.- Motihari Muffasil, Distt.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Pravin Kumar, Advocate.

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 342, 323, 324, 307, 504, 506/34 of the IPC and 37 (C) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 08.10.2017 at 9.00 P.M. the informant was sitting on his door. In the meantime, co-accused Hira Lal Sahani, in drunken state, came and started abusing the informant. On protest, Hira Lal Sahani assaulted the informant with *Farsa* causing head and shoulder



injury. When his wife came to rescue him, petitioner no. 2 (Sonu Kumar) assaulted her with *Lathi* causing head injury and petitioner no. 1 (Raj Kumar @ Raja Kumar) assaulted the informant with bricks causing mouth injury.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is submitted that specific allegation is against co-accused Hira Lal Sahni. Petitioner no. 1 is alleged to have assaulted with brick on the chest of the informant and petitioner no. 2 is alleged to have assaulted with *Lathi* on the head of informant's wife. Nature of injury is said to be simple. There is no recovery of liquor against the petitioners. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender



before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned VIIth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 535 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

