

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.74184 of 2018**

Arising Out of PS. Case No.-371 Year-2017 Thana- CHIRAIYA District- East Champaran

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1. Krishna Sahani
2. Moharlal Sahani.

Both are sons of Harihar Sahani, resident of Village- Patjilwa, Police Station- Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar No.-1

For the Opposite Party/s : Mr.Sri Ram Priya Saran Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      21-12-2018                      Heard learned counsel for the petitioners and  
learned APP representing the State.

Petitioners are seeking anticipatory bail in connection with Chiraiya P.S. Case No.371 of 2017 dated 09.11.2017 registered for the offences punishable under Sections 147, 149, 323, 324, 325, 436, 379, 504 and 506 of the Indian Penal Code.

As per the F.I.R, the allegations against the petitioners are that they have assaulted the informant and his brother brutally by giving Lathi blow on their head and wrist respectively.

Even though, learned counsel for the petitioners submits that the injury allegedly caused by petitioner no. 1 is simple in nature and then injury caused by petitioner no. 2 is



also found to be simple in nature, upon considering the facts and circumstances of the case, I do not find it a fit case for grant of anticipatory bail to petitioner no.1, however, if petitioner no. 1 surrenders within a period of four weeks from today in the Court below and prays for regular bail, the same shall be considered on its own merit and the application shall not be rejected in a routine manner by the learned Magistrate only because this Court has rejected the prayer for anticipatory bail.

So far as, petitioner no. 2 is concerned, learned counsel for the petitioners points out that the allegation against him is that of causing assault by Lathi and Annexure 3 series would show that on examination of the victim Raja Sahni no fracture could be found on the wrist of Raja Sahni.

Learned APP for the State is present and has opposed the prayer for bail.

Taking note of the aforesaid circumstance, in case of arrest or surrender of the petitioner no.2 within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sikarahana, Dhaka in connection with Chiraiya P.S. Case



No.371 of 2017 subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of three weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

**(Rajeev Ranjan Prasad, J)**

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