

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.63718 of 2018

Arising Out of PS.Case No. -319 Year- 2014 Thana -KESARIA District- EASTCHAMPARAN
(MOTIHARI)

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- 1. Golu Singh.
 - 2. Bholu Singh. Both are Sons of Raj Kumar Singh.
 - 3. Nawal Sahani.
 - 4. Bikrama Sahani. Both are Sons of Late Mahadeo Sahani.
 - 5. Rambriksh Sahani, Son of Late Munshi Sahani.
 - 6. Singhasan Sahani, Son of Late Gulab Chand Sahani.
 - 7. Fulena Sahani, Son of Late Munesar Sahani.
 - 8. Ananda Sahani, Son of Shambhu Sahani.
 - 9. Triloki Sahani, Son of Vikrama Sahani.
 - 10. Mukesh Sahani, Son of Nawal Sahani. All are Resident of Village-
Phutakeya, P.S. Kesari, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Ranjan, Advocate.
For the Opposite Party : Mr. Anand Kishore Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-10-2018 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 147, 148, 341, 323, 307,
379, 504, 506/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on the alleged
date and time of occurrence, when the informant was going to
Motihari, all petitioners surrounded him and abused. Co-accused



Arvind Singh gave *Iron Hathauda* on his head which did not hit due to Helmet on his head and he also repeated gave *Iron Hathauda* on his fractured left leg and sustained injury. Petitioner no. 3 Nawal Sahani fired from *Nalkatuya* upon him and snatched golden chain by petitioner no. 4 Bikrama Sahani and petitioner no. 8 Ananda Sahani took out Rs. 2500/- from his pocket. All accused persons assaulted him with fists and slaps. On hulla, the petitioners fled away after left the *Hathauda*.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The informant is in habit of instituting such cases against the petitioners and their family members. After investigation, the police submitted final form vide Annexure-2 to the present application but the learned court below differed with the said final form and has taken cognizance for offence under Section 307 and other allied Sections of the IPC.

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

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 A.C.J.M.-XI, Motihari, East Champaran, in connection with Kesariya P.S. Case No. 319 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

