

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2754 of 2019

Arising Out of PS. Case No.-267 Year-2017 Thana- HARSIDHI District- East Champaran

1. Munni Lal Sahani, son of Meghu Sahani
 2. Muneshar Sahani @ Muneshwar Sahani, son of Meghul Sahani
 3. Harishanker Sahani, son of Late Gopal Sahani
 4. Dulari Devi, wife of Jhapas Sahani
 5. Sita Devi, wife of Baidnath Sahani
 6. Pramukh Sahani, son of Jhapas Sahani
- All are residents of Village-Materia, P.S.-Harsidhi , District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Harsidhi P.S. Case No.267 of 2017 registered under Sections
147, 149, 323, 324, 307, 325, 379, 504 and 506 of the Indian
Penal Code.

It is contended by the learned counsel for the
petitioners that the present case is counter blast of Harsidihi P.S.
Case No.254 of 2017 filed by Dularia Devi, the petitioner no.4
herein agaisnt the informant and others as well as Harsidhi P.S.
Case No.275 of 2017 filed by Sita Devi, petitioner no.5 of the
present case against the husband of the informant and others. In



both the cases, it has been alleged that the informant of the present case and her family members had assaulted the petitioners and their family members. The instant case has been registered to pressurize the petitioners to enter into compromise in connection with those two cases. The truth of the matter is that the petitioners are co-villagers of the informant and they have been implicated in present case due to ongoing land dispute. The allegations as against the petitioners are omnibus in nature and the specific allegation of assault is confined against co-accused Sonalal Sahani, Jhapas Sahani, Pramod Sahani and Baidnath Sahani.

Per contra, learned counsel for the State submitted that there is allegation of assault upon the informant and other against all the accused persons including the petitioners.

I have heard learned counsel for the parties and perused the record.

Though, there is omnibus and general allegation of assault against all the accused persons, in the concluding portion of the FIR it has categorically been stated that Sonalal Sahani, Jhapas Sahani, Pramod Sahani and Baidnath Sahani indiscriminately assaulted with *lathi* as a result of which, the informant's nephew Sumit Kumar and her husband Kaushal



Pandey sustained grievous injuries and the informant was also assaulted by co-accused Sonalal Sahani with *lathi* as a result of which, she sustained grievous injury on her hands.

Considering that the specific allegation of causing grievous injury is confined against Sonalal Sahani, Jhapas Sahani, Pramod Sahani and Baidnath Sahani, in the event of arrest or surrender in the court below, the petitioners, abovenamed, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P.S. Case No.267 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

Sanjeet/R.Ranjan

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