

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11373 of 2019

Arising Out of PS. Case No.-417 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Lal Bihari Sahani, age about 35 years, Male.
 2. Tuntun Sahani, age about 30 years, Male.
Both S/o Jhokhu Sahani
 3. Jhokhu Sahani, age about 75 years, Male, Son of Late Khelawan Sahani
 4. Nitu Devi, age about 30 years, Female, Wife of Lal Bihari Sahani
All Residents of Bardaha, P.S.- Motihari Muffasil, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are apprehending their
arrest in connection with Muffasil P.S. Case No. 417 of 2018
registered for offences under sections 323, 341, 342, 324, 307,
504, 379, 506 of the Indian Penal Code.

In the present case, as per allegation made in the
First Information Report, when the Informant was returning
after purchasing vegetable, the accused persons armed with
different weapons, surrounded the Informant.

Allegation has been made against Joku Sahani



and Nitu Devi of giving Farsa blow and Dab blow on the head of the Informant.

In the Case Diary, the statement of independent witnesses have been recorded stating that a false case has been lodged against the petitioners by the Informant.

Learned counsel for the petitioner submits that a false case has been instituted against the petitioners. The petitioner Jhokhu Sahani is not in a position to even move. He further submits that a complaint was also filed by the petitioner Lal Bihari Sahani that the Informant, by making payment, has obtained a false medical certificate which is serious in nature. The application is still pending before the Chief Medical Officer cum Civil Surgeon, Sadar Hospital, Motihari.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P.S. Case No. 417 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to



condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

However, this Court directs the Chief Medical Officer cum Civil Surgeon, Sadar Hospital, Motihari to examine the application filed by Lal Bihari Sahani with respect to issuance of injury report by Dr. P.K.P. Singh and, if it is found that wrong injury report has been issued, proper action should be taken against Dr. P.K.P. Singh.

(Shivaji Pandey, J)

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