

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13259 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- KHANPURA District- Samastipur

1. Anita Devi, Wife of Sulindra Sahni @ Surendra Sahni Resident of Village - Siropatti, P.S. -Khanpur, District - Samastipur
2. Sulindra Sahni @ Surendra Sahni Son of Sukan Sahni Resident of Village - Siropatti, P.S. -Khanpur, District - Samastipur
3. Sukan Sahni Son of Badri Sahni Resident of Village - Siropatti, P.S. -Khanpur, District - Samastipur
4. Somni Devi Wife of Sukan Sahni Resident of Village - Siropatti, P.S. -Khanpur, District - Samastipur
5. Rohit Kumar Son of Sulindra Sahni @ Surendra Sahni Resident of Village - Siropatti, P.S. -Khanpur, District - Samastipur
6. Manish Kumar Son of Lalbabu Sahni Resident of Village - Baligaw, P.S.-Piyar, District - Muzaffarpur
7. Pancho Devi Wife of Vishwnath Sahni Resident of Village - Rahtouli, P.S.-Hathauri, District- Samastipur
8. Sonu Kumar Son of Vijay Sahni Resident of Village - Rahtouli, P.S.-Hathauri, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and the
learned counsel for the State.

The petitioners are apprehending their arrest in connection with Khanpur P.S. Case No.136 of 2018 registered for the offences punishable under Sections 448, 341, 323, 325, 307, 354, 504/34 of the Indian Penal Code.



The prosecution case as per the written report of Mamta Bharti submitted to the S.H.O. Khanpur police station is to the effect that on 13.09.2018, after deputing some labourers for the purpose of the repairing of the house, she went along with her husband to Samastipur for the purpose of some legal work, when at 4.00 P.M., the petitioner No.1, Anita Devi, came and forbade to carry on the repairing work, and petitioner no.2, Sulinder Sahni started abusing and assaulting the informant's children and when the informant came to rescue whereupon Sukan Sahni, Somni Devi and Rohit Kumar, petitioner no.3, 4 and 5 respectively came variously armed when Sukan Sahni assaulted the informant's daughter by a bamboo on her head and other accused petitioners assaulted with lathi, danda, fists and slaps.

It is submitted by learned counsel for the petitioner that in the background of land dispute, accusation has been levelled against the petitioner. Only injury of Surendra Sahni has been found simple in nature and there is no injury report of the others. It is further submitted that at earlier point of time, the petitioner No.1, Anita Devi had filed a case being Complaint case No.1600 of 2018 before the learned Sub Divisional Judicial Magistrate, Samastipur for the offences punishable under



Sections 147, 148, 149, 323, 379, 380, 448, 452, 307, 504 of the IPC against the informant's son, thereafter the present case has been filed against the petitioner. It is further submitted that for the occurrence of 13.09.2018, the FIR has been registered on 15.09.2018.

Learned APP for the State has vehemently opposed the prayer for bail and submits that the specific allegation of assault has been levelled against the petitioners.

Considering the delayed lodging of the FIR and impugned order does not suggest any grievous injury on the body of the victim, all the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, District-Samastipur in connection with Khanpur P.S. Case No.136 of 2018.

(Dinesh Kumar Singh, J)

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