

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13971 of 2019

Arising Out of PS. Case No.-203 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Sunil Sahni, Son of Dharmendra Sahni Resident of Village - Sarwani Chak,
P.S.- Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Verma

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 324, 307 and 504/34 of the IPC.

The prosecution case, as per the fardbeyan of Mithilesh Sahni, recorded by S.I. of Police, Musahari Police Station on 26.08.2018, at S.K.M.C.H., is to the effect that on 16.08.2018, the informant and the supporters of Jai Guru Dev, namely Bechan Sahni, Raju Sahni @ Kedar Sahni were going to other side of the river by the boat of Dharmendra Sahni and when Bechan Sahni and Raju Sahni were being dropped on the bank of Budhi Gandak river, co-accused Dharmendra Sahni, Pramod Sahni and the petitioner Sunil Sahni started abusing the



informant for using the boat of co-accused Dharmendra Sahni. It is further alleged that on the order of co-accused Pramod Sahni, co-accused Dharmendra Sahni started assaulting Subhash Sahni and Mithilesh Sahni whereas the petitioner, Sunil Sahni assaulted Subhash Sahni and Mithilesh Sahni with Fasuli (a sharp cutting weapon) causing bleeding injury on their head. Subsequently, the injured were taken to P.H.C, Bochaha and from there, they were referred to S.K.M.C.H.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 16.08.2018, the fardbeyan of the informant was recorded on 21.08.2018 and the FIR was lodged on 26.08.2018. The injuries of both the injured persons have been found simple. It is further submitted that for the injury received on 16.08.2018, the injured was examined at P.H.C. Bochaha on 27.09.2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner to have caused injury to Subhash Sahni and Mukesh Sahni.

Considering the genesis of occurrence, delayed recording of fardbeyan of the informant and delayed registration



of the FIR and fact that the impugned order, which has been passed after going through the case diary, does not suggest that the informant's side received any grievous injury in the alleged occurrence, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-cum-Sub Judge, 6th Muzaffarpur in connection with Mushahari P.S. Case No. 203 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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