

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13011 of 2019**

Arising Out of PS. Case No.-170 Year-2018 Thana- BIRAUL District- Darbhanga

1. RAM DEO SAHANI Son of Late Jhotan Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
2. Amar Nath Sahani Son of Ram Deo Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
3. Vijay Kumar Sahani @ Vijay Sahani Son of Ram Deo Sahani. Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
4. Raj Kumar Sahani Son of Late Bhaiyan Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
5. Asarfi Sahani Son of Late Sonay Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
6. Ramesh Sahani Son of Ganga Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.
7. Ram Kholawan Sahani Son of Dhodhat Sahani Resident of Village - Kahua, P.S.- Biraul, Distt - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad
For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-03-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Biraul P.S. Case No. 170 of 2018 for the offence under Sections 341, 323, 504 307 and 379/34 of the Indian Penal Code.

From the First Information Report, it appears that there is allegation against the petitioner No.1 of having assaulted the informant with spatula (*cholni*) in his head. The



other accused persons are also said to have assaulted the son of the informant and his daughter-in-law. It is further alleged that the accused persons snatched a golden chain.

Learned counsel appearing on behalf of the petitioners is correct in his submission that except petitioner No.1, there is no specific allegation of assault against any other petitioners. So far as petitioner No.1 is concerned, he submits that no offence can be said to be made out punishable under Section 307 of the Indian Penal Code as Spatula (*cholni*), which is used for cooking, could not have been used for the purpose of making an attempt to kill.

Considering the background, in which the occurrence is said to have taken place, case for grant of anticipatory bail is made out. This application is accordingly allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, 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 the learned A.C.J.M., Biraul, district-Darbhanga, in Biraul P.S. Case No. 170 of 2018, subject to the conditions as laid down under Section 438(2) of the Code



of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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