

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41283 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- KATRA District- Muzaffarpur

1. VINOD SAHNI Son of Late Ram Bahadur Sahni Resident of Village-Dargah, Police Station-Katra, District-Muzaffarpur.
2. Manohar Sahni Son of Nagendra Sahni Resident of Village-Dargah, Police Station-Katra, District-Muzaffarpur.
3. Gonu Sahni Son of Nagendra Sahni Resident of Village-Dargah, Police Station-Katra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No. 13, Adv Mr. Rohit Kumar, Adv
For the Opposite Party/s :		Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 19-09-2019 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 149, 302/34 of the Indian Penal Code registered in connection with Katra P.S. Case No. 04/2019.

3. It is submitted that the petitioners have been falsely implicated and accusation has been made against as many as eight accused persons, who are all family members. The prosecution story is highly doubtful considering that the post mortem has preceded the institution of the FIR. Further doubt is cast that only two injuries were found in course of post mortem which does not corroborate the accusation of assault was made by all the eight persons. Such allegation of assault is general and omnibus in nature without any specific assault attributed individually. There was admitted past enmity between the parties as evident from the FIR itself. The petitioner no. 1 is accused in Katra P.S. Case No. 114 of 2018, which is



of different nature and has been acquitted in Katra P.S. Case No. 26/2004. Petitioner nos. 2 and 3 claim clean antecedents.

4. Learned APP appears and has been heard. He has not pointed to any objective material in the case diary against the petitioners.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners' be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM XIV-cum-Sub Judge-XV, Muzaffarpur, in connection with Katra P.S. Case No. 04/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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