

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64337 of 2018

Arising Out of PS. Case No.-247 Year-2018 Thana- MASHRAK District- Saran

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Pramod Sahni Son of Shri Satya Narayan Sahni Resident of Village-
Charihara, Police Station- Masrakh District-Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Ban Bihari Singh

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 10-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 324 and
308/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report of Prabhawati Devi submitted before the Station House
Officer, Mashrakh Police Station is to the effect on 15.07.2018,
while the informant was cleaning her field, all the accused
persons named in the FIR, including the petitioner, came there
variously armed and started assaulting the informant. It is
specifically alleged that in that course co-accused Pramod Sahni
assaulted on the head of the informant with a *daab*, causing
head injury on her head, when Krishna Sahni and Savita Devi,



the husband and daughter-in-law of the informant respectively came to rescue, they were also assaulted by the accused persons with *lathi* and *danda*.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of land dispute between the parties and the petitioner is the agnate of the informant. It is further submitted that though two injuries have been found on the person of the informant caused by sharp cut weapon, but nature of one injury is simple while the opinion with regard to other injury has been kept reserved and there is no accusation of repeating the blow. It is further submitted that for the occurrence of 15.07.2018, the FIR was registered on 20.07.2018 which reached to the Court of learned ACJM-VI, Saharsa on 26.07.2018 which suggests that the FIR has been registered with antedating. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the delayed lodging of the case and its delayed reaching before the Court of learned ACJM-VI, Saharsa, which clouds the *bona fide* of the accusation and there



is no accusation of repeating the blow coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Saran at Chapra in connection with Masrakh P.S. Case No.247 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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