

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48071 of 2019

Arising Out of PS. Case No.-207 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. LALBAHADUR SAHNI Son of Late Jiut Sahni Resident of Village - Rulhi Majhar, P.S.- Muffasil, District- East Champaran
 2. Laljhari Devi Wife of Lalbahadur Sahni Resident of Village - Rulhi Majhar, P.S.- Muffasil, District- East Champaran
 3. Sima Devi Wife of Birjunal Sahni Resident of Village - Rulhi Majhar, P.S.- Muffasil, District- East Champaran
 4. Sanju Devi Wife of Bali Sahni Resident of Village - Rulhi Majhar, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354B, 379, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Ramchandra Sahni submitted before the Station House Officer, Motihari Muffasil Police Station is to the effect that the informant was fixing bamboo for getting the plaster of his house done, in the meantime, all the accused persons, including the



petitioners, variously armed came and raised objection for the same. It is alleged that co-accused, Birjulal Sahni assaulted the informant with a *dab* causing injury on his right leg, when grand-son of the informant, Ravindra Sahni came to rescue, then petitioner no.1, Lالبahadur Sahni assaulted on his head with a *dab*. It is further alleged that when daughter-in-law of the informant came to rescue, then accused persons assaulted her with lathi and danda. The accused persons also alleged to have snatched her gold mangal sutra.

It is submitted by learned counsel for the petitioners that the accusation of assaulting the daughter-in-law of the informant is omnibus and general, though there is specific accusation of assault against co-accused Birjulal Sahni and petitioner no.1, Lالبahadur Sahni to the informant and his grand-son respectively with a *dab* which is a sharp cut weapon, but the injury report suggests marginal size abrasion on the left forearm caused by hard and blunt substance. There is a counter version of the occurrence also being Motihari Muffasil P.S. Case No. 219 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State the accusation



is specific against the petitioners.

Considering the fact that the specific accusation of assault is against petitioner no.1 which is not being corroborated by the medical opinion and she is a lady, 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Mufassil P.S. Case No.207 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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