

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82621 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- HAYAGHAT District- Darbhanga

1. Uma Devi Wife of Late Shankar Sahni Resident of Village - Rajauli, P.S.- Hayaghat, District - Darbhanga
2. Pankaj Sahni @ Pankaj Kumar Sahni Son of Late Shankar Sahni Resident of Village - Rajauli, P.S.- Hayaghat, District - Darbhanga
3. Raja Sahni @ Raja Kumar Sahni Son of Late Shankar Sahni Resident of Village - Rajauli, P.S.- Hayaghat, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Bharat Bhushan(APP-156)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in **Hayaghat P.S. Case No. 49 of 2019**, registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

It is submitted by learned counsel appearing on behalf of petitioners that petitioners have falsely been implicated in this case. There is case and counter case. There is general and omnibus allegation against petitioner no. 1 Uma Devi and petitioner no. 2 Pankaj Sahni. Petitioner no. 3 Raja Sahni is said



to have assaulted the informant on her head by means of iron rod causing head injury. The doctor has found two lacerated wounds over right parietal region of the informant.

In view of the fact that there is specific allegation against Raja Sahni petitioner no. 3 that he assaulted the informant with iron rod on her head causing head injury, I am not inclined to enlarge the petitioner no. 3 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 1 and petitioner no. 2 is concerned, there is general and omnibus allegation against Uma Devi petitioner no. 1 and Pankaj Sahni petitioner no. 2, they are, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 **Additional Chief Judicial Magistrate X, Darbhanga** in connection with **Hayaghat P.S. Case No. 49 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner no. 1 and petitioner no. 2 shall co-



operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner no. 1 and petitioner no. 2 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner no. 1 and petitioner no. 2.

(Prabhat Kumar Singh, J)

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