

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4678 of 2020

Arising Out of PS. Case No.-108 Year-2019 Thana- PURNAHYA District- Sheohar

1. VINOD SAHNI Son of Late Gena Sahni Resident of Village - Bakhar Chandiha, P.S.- Purnahia, Distt - Sheohar.
2. Junglee Sahni Son of Vinod Sahni Resident of Village - Bakhar Chandiha, P.S.- Purnahia, Distt - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-03-2020 At the outset, it is submitted by learned counsel for the petitioners that petitioner no. 1 Vinod Sahni has been arrested, hence this application on behalf of petitioner no. 1 has become infructuous. This application is dismissed as it has become infructuous so far as it relates to petitioner no. 1.

Heard learned counsels for the parties.

The petitioner no. 2 is apprehending arrest in a case registered for the offences punishable under Sections 323,324,341,379 and 504/34 of the IPC and Section 302 of IPC was added vide order dated 13.11.2019..

The prosecution case as per the written report of Shambhu Rai submitted to the SHO, Purnahia Police Station is to the



effect that on 10.11.2019, the father of the informant namely Fekau Rai went to ease out when five accused persons including the petitioners started assaulting the informant's father. On alarm being raised, the informant reached and he was also assaulted by petitioner no. 1 Vinod Rai who claimed all the lands of the informant. The informant received injuries on his left arm and elbow. It is further alleged that co-accused Mahadeo Sahni took away Rupees Five Thousand.

It is submitted by learned counsel for the petitioners that the accusation of assaulting the father of the informant is against five persons but he has not received any external or internal injury. The specific accusation of assault is against petitioner no. 1 who has been arrested. Statement has been made in paragraph 3 of the petition that the petitioner no. 2 is not having any criminal antecedent.

Learned counsel for the informant submits that the father of the informant was an old person and due to shock caused by the assault made by accused persons including petitioner no. 2, , father of the informant died.

Considering the accusation of assault being omnibus and general to the extent of assaulting the father of the informant, accusation not being corroborated by the medical



opinion coupled with the statement made in paragraph 3 of the petition that the petitionr no. 2 is not having any criminal antecedent, let the petitioner no. 2 above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Sheohar in connection with Purnahia P.S. Case No.108 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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