

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5963 of 2020**

Arising Out of PS. Case No.-531 Year-2018 Thana- KUDHNI District- Muzaffarpur

1. RAUSHAN KUMAR @ RAUSHAN SHANI S/O Late Ravindra Sahni Resident of Village - Charkoriya, P.S. - Kudhani (Turki O.P.), District - Muzaffarpur.
 2. Manveer Kumar @ Manveer Sahni S/O Raj Kumar Sahni Resident of Village - Charkoriya, P.S. - Kudhani (Turki O.P.), District - Muzaffarpur.
 3. Praveen Kumar @ Praveen Sahni S/O Late Chandeshwar Sahni Resident of Village - Charkoriya, P.S. - Kudhani (Turki O.P.), District - Muzaffarpur.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 03-07-2020 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners, in the present case, are seeking anticipatory bail in connection with Kudhani (Turki O.P.) P.S. Case No. 531 of 2018 registered for the offences under Sections 341, 342, 323, 325, 307, 504, 506/34 of the Indian Penal code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that on a bare reading of the First Information Report it will appear that the informant who is the injured in this case has specifically named three persons namely Ravi Sahni, Sumangal Sahni and



Jatan Sahni as assailants. The allegation of firing has been specifically made against Ravi Sahni. So far as these petitioners are concerned, their names have been added in the later part of the F.I.R. on the basis of the alleged hearsay statement of the co-villagers to the informant.

Learned counsel for the petitioners further submits that only with an intention to falsely implicate these petitioners, their name have been brought in the F.I.R. saying that some villagers had informed the informant that the petitioners were also firing but the fact is that the informant has himself narrated the name of the persons to whom he had seen committing the overt act, submission that no overt has been alleged against the petitioners causing any injury to the informant and the petitioners are of clean antecedent as stated in paragraph '3' of the application, the petitioners deserve privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that the informant, who is the injured in this case, has specifically named three persons namely Ravi Sahni, Sumangal



Sahni and Jatan Sahni as assailants, the allegation of firing has been specifically made against Ravi Sahni, and so far as these petitioners are concerned, their names have been added in the later part of the F.I.R. on the basis of the alleged hearsay statement of the co-villagers to the informant, but the fact is that the informant has himself narrated the name of the persons to whom he had seen committing the overt act, submission is that no overt has been alleged against the petitioners causing any injury to the informant, and petitioners have no criminal antecedent, let the above-named petitioners, in the event of their arrest or surrender within a period of four weeks from today be released on bail in connection with Kudhani (Turki O.P.) P.S. Case No. 531/2018 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge – III – cum – A.C.J.M.-III (West), Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

