

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17037 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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RAJANI SAHANI @ RAJANI KANT SAH @ RAJANI KANT Son of Late
Chunnilal Sahani Resident of Village- Belbanwa, P.S.- Motihari Town,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-09-2020 The present petition has been taken up for
consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner
and Sri Jitendra Kumar Singh, the learned APP for
the State.

This is an application for grant of anticipatory
bail in connection with Motihari Town P.S. Case No.
198 of 2019 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 324, 307,
279, 338 and 506 of the Indian Penal Code.



The allegation is regarding the accused persons, who were in a drunken condition, having dashed the motorcycle of the informant by their tempo on 22.03.2019 at about 8:00-8:30 PM. and when the informant had protested, they had assaulted him. It is further alleged that when the family members of the informant had received information about the incident, they had arrived at the place of occurrence and then, the accused persons including the petitioner herein had also assaulted the other members of the prosecution party.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is also submitted that the matter has been sorted out in between the parties and a compromise has been entered into as is apparent from the compromise petition annexed to the present bail petition. Lastly, it is submitted that as far as the petitioner is concerned, there is no allegation of any sort of specific overt act having been engaged in by him.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that a general and omnibus allegation of assault has been levelled as against the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S.Case No. 198 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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