

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18705 of 2020

Arising Out of PS. Case No.-143 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. Amar Nath Sahani @ Amar Nath Sahni, son of Late Heera Sahni @ Hiralal Sahni
2. Jotish Sahni @ Jotish Sahani, son of Ramdayal Sahani
Both resident of Village-Barari Jagdish, P.S. Uchakagaon, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Kumar Rakesh
For the Opposite Party/s	:	Mr. N. K. Prasad
For the informant	:	Mr. Vyas Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-09-2020 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

The petitioners seek regular bail in connection with Uchakagaon Police Station Case No. 143 of 2019, registered for the offence punishable under Sections 341/323/307/302/447/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners is that the petitioners along with other accused persons assaulted the informant and his family members. It has been alleged that the petitioner no. 1 has assaulted the younger brother of the



informant, Santosh Sahani, on his head by means of iron-rod and the petitioner no. 2 assaulted the informant with iron-rod. It has further been alleged that one Shankar Sahani died due to the gun shot injury caused to him by co-accused Amarjeet Sahani.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged. He further submits that co-accused Amarjeet Sahani has not been granted bail by this Court and his bail application has been rejected by this Court vide order, dated 18.03.2020, passed in Criminal Misc. No. 85401 of 2019. He further submits that other co-accused persons have been granted bail by this Court. He also submits that the injured persons have not disclosed the name of the petitioners in course of investigation.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submit that as per the allegation, Amarnath Sahani assaulted Santosh Sahani by iron-rod on his head and the said injury has been found to be simple in nature.

After having heard learned Counsel for the parties and taking into consideration the fact that similarly situated co-accused persons have been granted bail by this Court and the petitioners are in custody since 16.12.2019 and 21.01.2020



respectively, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj, in connection with Uchakagaon Police Station Case No. 143 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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