

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22176 of 2020

Arising Out of Jandaha P.S. Case No- 98 Year- 2019, District- Vaishali, Hajipur

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1. DEEPAK SAHNI @ DEEPAK KUMAR, (male) aged about 31 years S/o- Batahu Sahni
 2. RAMU SAHNI, (male) aged about 45 years, S/o- Batahu Sahni
 3. ABHISHEK SAHNI @ ABHISHEK KUMAR, (male) aged about 18 years, S/o- Ajay Sahni
 4. DINESH SAHNI, (male) aged about 39 years, S/o- Ramnath Sahni
 5. SANTOSH KUMAR, (male) aged about 24 years, S/o- Bhonu Sahni
 6. MOHAN SAHNI, (male) aged about 23 years, S/o- Mahendra Sahni
 7. SUDHIR SAHNI @ SUDHIR KUMAR, (male) aged about 21 years, S/o- Mahendra Sahni

All are R/o village- Mahisaur, P.S.- Jandaha , District- Vaishali

... .. Petitioners

Versus

1. The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Pramod Mishra, Advocate
For the Opposite Party	:	Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-08-2020 Heard Mr. Pramod Mishra, learned counsel appearing on behalf of the petitioners and Mr. Anil Prasad Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Jandaha P.S. Case No. 98 of 2019 registered for the offence punishable under Sections 147, 149, 148, 447, 341, 323, 324, 307, 504, 506 and 435 of the Indian Penal Code Act.

Learned counsel for the petitioner seeks permission to withdraw this application in respect of petitioner no. 4, as he has



been arrested during the pendency of this application.

Permission is accorded. This application stands dismissed as having become infructuous, in respect of petitioner no. 4.

It is alleged in the F.I.R. that when the informant was sitting near the doorway of his house, accused persons armed with deadly weapon (not firearm) came there and started assaulting. It is further alleged that petitioner no. 4 (Dinesh Sahni) was armed with a pistol. It is alleged that some of the persons named in the F.I.R. pelted stones over the informant's doorway.

Learned counsel appearing on behalf of the petitioners has submitted that as a matter of fact one Sukhlal Sahni was assaulted by the members of the prosecution's side, leading to registration of Jandaha P.S. Case no. 99 of 2019, against the informant. It has been stated that, as a matter of fact, the petitioners sustained injuries. Photocopies of the injury reports, in respect of the injuries, sustained by the petitioners, have been brought on record by way of Annexure 4, series to the application. It has also been argued that a Title Suit registered as T.S. No. 648 of 2013 was filed by Sukhlal Sahni against Maheshwar Sahni and others, is still pending, which is why, the



petitioners have been falsely implicated in the present case. It has further been argued on behalf of the petitioners that though there is allegation of assault made by an axe, the injury has been found to have been caused by hard and blunt substance.

Considering the above submission and facts noted above, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 98 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it



appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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