

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27454 of 2020

Arising Out of PS. Case No.-547 Year-2019 Thana- MAJHAULIA District- West Champaran

1. Adalat Sahni, Son of Late Bansi Sahni, Resident of Village- Majharia Sheikh, Police Station- Majhauriya, District- West Champaran.
2. Bikram Sahni @ Bikarma Sahni, Son of Laxmi Sahni, Resident of Village- Majharia Sheikh, Police Station- Majhauriya, West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Sanjay Kumar Sharma, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioners and the learned APP for the State.



The petitioners seek bail in connection with Majhauriya P.S. Case No.547 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 387, 427/34 of the Indian Penal Code.

The prosecution case is that while the informant was sitting near the bridge, 14 persons have surrounded him and he has been beaten mercilessly.

It is submitted by the petitioners' counsel that specific allegation of assault by means of *Farsa* is against co-accused Shatrughan Sahni, Manoj Sahni, Ganesh Sahni and Suresh Sahni. The petitioners are one amongst the others who have allegedly indiscriminately assaulted the informant and Rakesh Mahto. No specific assault has been attributed to the petitioners. They have no criminal antecedents as the other two cases mentioned in paragraph 3 are subsequent to the instant case at the instance of the cousin brother of the informant. The petitioners are in custody since 03.02.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be



released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, District-West Champaran, in connection with Majhauriya P.S. Case No.547 of 2019, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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