

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28697 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- KARTAHA District- Vaishali

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1. Biru Sahni, Son of Ram Pukar Sahni, Resident of Village- Patepur, P.S.- Kartahan in the District of Vaishali.
 2. Amod Sahni, Son of Niranjan Sahni, Resident of Village- Patepur, P.S.- Kartahan in the District of Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2020 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.

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

The petitioners are apprehending their arrest in connection with Kartahan P.S. Case No.15 of 2020 registered for the offence punishable under Sections 147, 148, 149, 341,



323, 326(A), 307, 427, 379 of the Indian Penal Code.

Based on a dispute regarding title of the homestead land of the informant, it is stated that the petitioners along with other co-accused persons have assaulted the informant and his family members.

Petitioners' counsel submits that against the petitioner No.2, Amod Sahni, the allegation is that he has pushed the informant's nephew on the floor, whereafter petitioner no.1 Biru Sahni, is alleged to have assaulted him with *Lathi*. There is an allegation of assault by various means by other co-accused persons. Against the petitioner no.2, there is no allegation of assault whatsoever and it is submitted that petitioner no.2 has no criminal antecedents.

It is further submitted that since petitioner No.1, Biru Sahni, has already been arrested, the application in so far as petitioner no.1 is concerned is not being pressed.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail on behalf of petitioner No.2 Amod Sahni is allowed.

Accordingly, let petitioner No.2, namely, Amod Sahni, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 learned Additional Chief Judicial Magistrate-XV, Vaishali at Hajipur, in connection with Kartahan P.S. Case No.15 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

In view of the submission of the petitioner's counsel, prayer for bail on behalf of petitioner No.1 Biru Sahni is dismissed as not pressed.

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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