

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30156 of 2020**

Arising Out of PS. Case No.-43 Year-2019 Thana- MADHUBAN District- East Champaran

1. JALESHAR @ JALESHAR SAHANI S/o Late Devdhari Sahni R/o Vill.-
Khairwa, P.S.-Madhuban, Distt.-East Champaran.
2. Josheela Devi @ Josila Devi W/o Vijay Sahani R/o Vill.-Khairwa, P.S.-
Madhuban, Distt.-East Champaran.
3. Neetu Devi @ Nitu Devi W/o Sanjay Sahani R/o Vill.-Khairwa, P.S.-
Madhuban, Distt.-East Champaran.
4. Ramdeo Sahani S/o Late Faguni Sahani R/o Vill.-Khairwa, P.S.-Madhuban,
Distt.-East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Humayu Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-12-2020 Learned counsel for the petitioners undertakes to

remove all the defects as pointed out by office within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr.
Humayu Ahmad Khan, learned APP for the State.

The petitioners in the present case are seeking pre-arrest
bail in connection with Madhuban P.S. Case No. 43 of 2019 (G.R.
No. 1667/2019) registered for the offences punishable under
Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

Learned counsel for the petitioners submits that as



against petitioner no. 1 and 4, there is no allegation of causing any assault on the informant side. So far as petitioner no. 2 & 3 are concerned, they are said to have assaulted the informant's daughter-in-law Radhika Devi on her thigh which is non-vital part of the body and the injuries are simple in nature. Learned counsel further submits that there are case and counter case between the parties and title suit is pending between them and the petitioners have otherwise no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that so far as these petitioners are concerned, as against petitioner no. 1 and petitioner no. 4 there is no allegation of causing any assault on the informant side, so far as petitioner no. 2 & 3 are concerned, they are said to have assaulted the informant's daughter-in-law Radhika Devi on her thigh which is non-vital part of the body and the injuries are simple in nature and further submission that there are case and counter case between the parties, title suit is pending between the parties and the petitioners have otherwise no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Madhuban P.S. Case



No. 43 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – 4th, East Champaran, Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

