

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80774 of 2019

Arising Out of PS. Case No.-287 Year-2015 Thana- MAJHAULIA District- West Champaran

SURENDRA SAHANI, 40 Y/M, Son of Late Tilak Sahani, Resident of
Village- Mahanwa, P.S.- Majhauria, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Umesh Chandra Verma, Advocate.
For the State	:	Mr.Shyameshwar Dayal, A.P.P.
For the Informant	:	Mr. Ramendra Kumar Bharti, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 27-05-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 341,323, 342, 376/511, 324, 354(B)/34
of the I.P.C.

The prosecution case, in short, is that on 07.06.2015
at about 2.30 hours when the informant was sleeping at her
house, all the F.I.R. named accused persons entered into her
house and the accused petitioner Surendra Sahani ordered other



accused to pick the informant and make her roam naked in the village. When the informant protested against their act, the accused Udai Sahani assaulted her with sharp cutting weapon on her head and the accused Loha Sahani also assaulted her with weapon due to which she sustained head and hand injuries. The accused Surendra Sahani also assaulted her again with sharp cutting weapon on her head due to which she started panting in pain and tried to escape from there but the other accused persons tied a rope along her neck and dragged her on the road. The accused Surendra Sahani pulled her Sari and the accused Udai Sahani tore her blouse and both of them made her naked. The accused Loha Sahani urinated on her head.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.10.2019 and has got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioner. The police has submitted a final report found the case to be false. Hence, the petitioner was not sent up for trial. Learned court below differed with the police report and has taken cognizance. Nature of injury is found to be simple. Due to village politics the petitioner has been made accused in the present case.



On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Judicial Magistrate, Ist Class, Bettiah, West Champaran in connection with Trial No. 2962 of 2018, arising out of G.R. No. 2608 of 2015, appertaining to Majhauria P.S. Case No. 287 of 2015.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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