

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23330 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. UGA SAHANI Son of Late Mridangi Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.
 2. Raja Sahani Son of Late Mridangi Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.
 3. Shivbalak Sahani Sonof Mridangi Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.
 4. Dinesh Sahani Son of Uga Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.
 5. Anand Sahani Son of Uga Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.
 6. Ram Pravesh Sahani Son of Late Rajendra Sahani Resident of Village- Tiwari Matihaniya, P.S.- Bishwambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-04-2021 The learned counsel for the petitioners submits that petitioner No.2, Raja Sahani, and petitioner No.3, Shivbalak Sahani, have been arrested and, therefore, he may be permitted to withdraw the anticipatory bail petition on their behalf.

Prayer is allowed.

The anticipatory bail petition of petitioners No.2 and 3 is dismissed as withdrawn.

Heard both sides.

The petitioners No.1, Uga Sahani, 4. Dinesh Sahani, 5. Anand Sahani and 6. Ram Prawesh Sahani apprehend their arrest in Bishwambharpur PS case No. 95/2020 registered under



Section 341, 323, 324, 307/34 of the IPC.

The informant, Shrawan Sahani, named altogether nine persons including the four petitioners and alleged that while he was returning from in-laws house of his brother after attending the marriage ceremony the accused persons surrounded him and assaulted him. The informant alleged that Uga Sahani assaulted him with sword on his head. The villagers came and saved the informant and brought him to hospital for treatment.

The learned counsel for the petitioners submits that petitioners are co-sharers of the informant. There is counter version being Bishwambharpur PS case No. 123/2020. No specific allegation of assault is made against petitioners No. 4 to 6. Uga Sahani assaulted the informant with sword on his head and one corresponding injury is found on the head of the informant, which is opined to be dangerous to life.

The learned APP, however, opposed the prayer for anticipatory bail.

It appears from the records that the informant made specific allegation of assault against Uga Sahani that he assaulted him with sword on his head. The order of the learned Additional Sessions Judge shows that one injury said to have been caused by sharp edged weapon such as sword is found on the head of informant, which is opined to be dangerous to life.

Considering the facts aforesaid, I am not inclined to enlarge petitioner No.1, Uga Sahani, on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioners No.4, Dinesh Sahani, 5. Anand Sahani and 6. Ram Prawesh Sahani is concerned, there is no specific allegation of assault against them. The informant



got only one injury on his head. Other injuries are superficial and there is counter version.

Taking into consideration the facts aforesaid and the nature of allegation made against petitioners No.4 to 6, the petitioners No.4, Dinesh Sahani, 5. Anand Sahani and 6. Ram Prawesh Sahani, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj in connection with Bishwambharpur PS case No. 95/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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