

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20801 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- HARLAKHI District- Madhubani

KISHORI SAHNI Son of Srif Hansraj Sahni Resident of Village- Harsuwar,
P.O.- Hissar, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 27-10-2021 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Harlakhi P.S. Case No. 235 of 2019 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

As per allegation in the F.I.R Ram Binod Thakur, who
is father of the informant was badly assaulted by Kishori Shani,
Hansu Sahni, Rakesh Sahni, Lalit Sahni and Sharwan Pandit
and four to five known persons were assaulted with lathi and
iron rod. The informant has mentioned in his fardbeyan that this
fact was brought into his knowledge by his labourer Sukhdeo
Ram.

Learned counsel for the petitioner has submitted that



the informant is not an eye witness. The eye witness as per statement of the informant itself is Sukhdeo Ram. The statement of Sukhdeo Ram has been recorded in Paragraph no. 42 of the case diary and in his statement he did not disclosed the name of the present petitioner as one of the assailants. He has stated that Rakesh Sahni assaulted on the head of the deceased with chain of Motorcycle. In second Para of his statement, he stated that there was love affair between the sister of Rakesh Sahni and grand son of the deceased.

From perusal of the F.I.R, it appears that informant is not an eye witness. The eye witness is Sukhdeo Ram and he has not named the present petitioner in the alleged occurrence rather he has named only Rakesh Sahni as author of the injury sustained by the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 the learned Additional Sessions Judge 5th, Madhubani, Bihar in Harlakhi P.S. Case No. 235 of 2019 subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(Nawneet Kumar Pandey , J)

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