

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27576 of 2020

Arising Out of PS. Case No.-98 Year-2019 Thana- BHIMPUR District- Supaul

1. JAGDISH SAHNI S/o Late Nepali Sahni Resident of Village-Belaganj, Police Station-Bhimpur, District-Supaul.
2. Ramprit Sahni S/o Late Nepali Sahni Resident of Village-Belaganj, Police Station-Bhimpur, District-Supaul.
3. Ram Swarup Sahni S/o Late Nepali Sahni Resident of Village-Belaganj, Police Station-Bhimpur, District-Supaul.
4. Anil Mukhiya S/o Ramji Sahni Resident of Village-Belaganj, Police Station-Bhimpur, District-Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Bhimpur P.S. Case No. 98 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 447, 354(A), 379, 307, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per prosecution story when the informant along with her son and the husband were cutting bamboo, the accused persons came and indulged in abusing and the matter was pacified. Later on, petitioner no. 2 caused assault on the head of the informant's husband by axe and the informant was assaulted by petitioner no. 4 and petitioner no.



3 assaulted on the right hand of the informant and other accused persons also assaulted other family members of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the informant's side have received injuries which are simple in nature caused by hard and blunt substance and the allegations against the petitioners are of causing assault by farsa and axe.

Learned APP for the State has opposed the prayer for anticipatory 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 though the informant's side has got simple injuries but those have been caused by hard and blunt substance which would be evident from the injury reports and that the weapons attributed to these petitioners are farsa and axe but the injuries have not been caused by such weapons which have been attributed to the petitioners, in the nature of the dispute between the parties over lifting of bamboos and in the nature of the materials available on the record and the injuries being simple in nature, let in case of their arrest or surrender the petitioners above named within a period of four weeks from today in connection with Bhimpur P.S. Case No. 98 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 J.M., Supaul, subject to the condition 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 antecedents 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 bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

