

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37106 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. Vikram Sahni @ Bikram Sahni S/o Ram Narayan Sahni @ Ram Narayan Sahani R/o village- Dumri, P.O.- Paraura, P.S.- Khodawandpur (Chhourahi O.P.), District- Begusarai
2. Verma Sahni @ Berma Sahni S/o Ram Narayan Sahni @ Ram Narayan Sahani R/o village- Dumri, P.O.- Paraura, P.S.- Khodawandpur (Chhourahi O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2021 Learned counsel for the petitioners, at the outset, seeks permission to withdraw this application with respect to petitioner no. 2 namely Verma Sahni @ Berma Sahni on the ground that the petitioner has raised the plea of juvenility in the learned court below.

Permission is accorded.

Accordingly the application with respect to petitioner no. 2 is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Khodawandpur P.S. Case No. 172 of 2020 dated 21.08.2020 instituted for the offences under Sections 147, 149, 342, 323,



325, 307, 354(A) and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 21.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that allegation against this petitioner is that he assaulted the informant causing fracture on his leg and when the brother of the informant came to save him, he was also assaulted on his head by means of an iron rod on account of which the injured was taken to hospital for treatment.

Learned counsel for the petitioner submits that admittedly the petitioner and the informant are agnates, there is a land dispute between the parties, the allegation of assault is initially with *khanti* then with iron rod and there is a delay of 23 days in instituting the F.I.R. as such it is submitted that occurrence took place in some other manner and the petitioner came to be implicated falsely in the present case being agnates having land dispute.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that this petitioner assaulted the informant causing fracture on his leg by *khanti* and when the brother of the informant came to save him,



he was assaulted by iron rod on his head on which learned counsel for the petitioner submits that this prima-facie demonstrates that the petitioner has been implicated falsely for the reason that it was just not possible for the petitioner to assault the informant and his brother by separate weapon in such short span of time.

Learned A.P.P. for the State also vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 21.03.2021, charge-sheet has been submitted in the case, the petitioner is a person with clean antecedent, there is a land dispute between the parties and they are agnates, let the petitioner no. 1 above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 172 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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