

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31636 of 2020

Arising Out of PS. Case No.-765 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. Kunkun Devi, aged about years, Female, Wife of Jawahi Sahni
2. Leelam Devi, aged about years, Female, Wife of Sriknt Sahni
3. Vikash Kumar, aged about years, male, Son of Jawahir Sahni

All Resident of Village - Ginjas, P.S.- Saraiya (Jaintpur O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Saraiya (Jaitpur O.P.) PS Case No. 765 of 2019 dated 16.11.2019, instituted under Sections 341/ 323/ 325/ 307/ 354B/ 427/ 504/ 506/ 302/ 34 of the Indian Penal Code.

4. The allegation against the petitioners is general and omnibus of having abused the informant and his family



members and also of assault. However, it is specific against co-accused Manjay Sahni of hitting the brother of the informant on the head and of co-accused Chandan Sahni of pushing the mother of the informant who tried to prevent him from outraging the modesty of the niece of the informant resulting in fracture in her leg and it is alleged that she died due to the same.

5. Learned counsel for the petitioners submitted that there are two parts in the FIR. The first relates to only Chandan Sahni who is said to have entered the house of the informant and had tried to outrage the modesty of the niece of the informant and when his mother went to stop she was pushed leading to fracture of her leg and thereafter it is alleged that all the other accused including the petitioners came armed with *lathi* and *danda* and had abused and assaulted, but there is nothing specific and only a bald, general and omnibus allegation and it is also not mentioned that the same caused any injury. However, learned counsel submitted that against another co-accused Manjay Sahni the allegation is that he had hit with bamboo stick on the head of the brother of the informant. It was submitted that there has been no complaint made anywhere with regard to such incident which is alleged to have occurred on 12.10.2019 and only when the mother of the informant died on 15.11.2019,



the present case has been lodged on 16.11.2019. It was submitted that the mother of the informant had fallen down and had fractured her leg but no such incident, as alleged, took place and further that after the death occurred, to implicate the petitioners such false case has been instituted. Learned counsel submitted that there being no nexus between the allegations and the death of the mother of the informant, as the FIR itself has been lodged after more than a month, the petitioners who have no criminal antecedent and against whom there is no direct or specific overt act alleged, deserve indulgence of the Court.

6. Learned APP submitted that the allegation against the petitioners is that they were also party to the assault. However, it was not controverted that the same is neither specific nor it is alleged that any of the petitioners gave any particular blow resulting in any particular injury.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st (West),



Muzaffarpur in Saraiya (Jaitpur OP) PS Case No. 765 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour, and (iii) that they shall also cooperate with the Court. Any violation of the terms and conditions of the bonds or non-cooperation shall lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

