

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33240 of 2020

Arising Out of PS. Case No.-185 Year-2020 Thana- PIPRA District- East Champaran

1. Sanjay Sahani, aged about 35 years, Male, S/o Late Saudagar Sahani, Resident of Village-Khairi Balhi, P.S.-Pipra, District-East Champaran.
2. Kushami Devi @ Kusham Devi, aged about 32 years, Female, W/o Sanjay Sahani, Resident of Village-Khairi Balhi, P.S.-Pipra, District-East Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Shanti Bhushan Singh, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-02-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 307 and 504/34 of the I.P.C.

The prosecution story, in brief, is that the informant was sitting at his door, in the meantime, Sanjay Sahani (petitioner no. 1) came. The informant said him to vacate 10 dhurs of land situated in front of his house, which was forcibly



occupied by him because the informant wants to construct his house on the said land. On this, petitioners and other co-accused came and assaulted him by *Lathi* and *Danda*. When his son came to rescue, Sanjay Sahani (petitioner no. 1) gave *Farsa* blow on him causing cut injury on his head and right hand. Co-accused Raj Kumar and Ram Bhajan assaulted the informant and his son by *Lathi* on their head. Kushami Devi (petitioner no. 2) assaulted the informant by *Lathi* on his back. After sustaining injury, the informant and his son became unconscious.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. East Champaran, Motihari, in connection with Pipra P.S. Case No. 185/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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