

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35994 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. Radha Mohan Sahni Late Brahamdeo Sahni Resident of Village-Jamin Mathiya, P.S.-Minapur (Panapur O.P.), District-Muzaffarpur.
2. Ramnath Sahni Son of Radha Mohan Sahni Resident of Village-Jamin Mathiya, P.S.-Minapur (Panapur O.P.), District-Muzaffarpur.
3. Binda Sahni Son of Kishori Sahni Resident of Village-Jamin Mathiya, P.S.-Minapur (Panapur O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh- Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-07-2021 Heard Mr. Shashi Bhushan Singh, the learned Advocate for the petitioners and Mr. Ram Priya Sharan Singh, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Minapur P. S. Case No.132 of 2020, instituted for the offences under Sections 147, 148, 341, 342, 323, 324, 325, 307, 385, 504 of the Indian Penal Code.

By way of supplementary affidavit, it has been brought to the notice of this Court that on 26.03.2021, because of a mis-communication to the learned Advocate for the petitioners, the application with respect to petitioner no.2 was



withdrawn as having become infructuous. In fact, the petitioner no.1 had been arrested and not the petitioner no.2.

A modification of the order dated 26.03.2021 is therefore requested in as much as the withdrawal order be read for the petitioner no.1 and the case of the anticipatory bail of petitioner nos.2 and 3 be considered.

The learned Advocate for the petitioners has submitted that petitioner nos.2 and 3 are said to have assaulted the informant on his hand and head. However, the injuries suffered by the informant are not on such part of the body where assault is said to have been made.

The injury report has been prepared in a private hospital but the injuries have been shown to be grievous. There is a counter-version of the occurrence also. There is an old land dispute between the parties.

However, regard being had to the fact that the petitioner nos.2 and 3 are said to have assaulted the informant who has received grievous injuries, I am not inclined to grant anticipatory bail to them.

The order dated 26.03.2021 need not to be modified as the petition is being dismissed.

The prayer for anticipatory bail for all the



petitioners is rejected.

However, if the petitioner nos.2 and 3 surrender before the Court below and seek bail, the Court below shall consider their case on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

(Ashutosh Kumar, J)

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