

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39490 of 2020

Arising Out of PS. Case No.-109 Year-2020 Thana- KATRA District- Muzaffarpur

VIJAY KUMAR @ BIJE SAHNI @ VIJAY SAHNI, Son of Jhingur Sahni,
Resident of Village- Katai, P.S. - Katra, District- Muzaffarpur
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 24.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Katra P.S. Case No. 109 of 2020, registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 435, 153(A), 295(A) and 504 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that on 08.05.2020 at about 08.00 p.m., the informant, Md. Ansarul Hasan, was present at his pond situated in village Leudi, then, saw that Chande Sahni, Jhameli Sahni and Heman Sahni are indulged in draining out the water through pump from the pond for fishing, then, he made protest



on which Chande Sahni caused injury through pistol causing blood oozing injury, then, he fell down and became unconscious. Chande Sahni opened fire in the air and fled away. On raising alarm, villagers rushed there to save the informant. After short interval Heman Sahni, Munna Sahni, Bije Sahni (petitioner) and Chande Sahni came along with 100-150 unknown people at the door of his uncle, Md. Anzar, variously armed with weapons and asked to put the house on fire. At that time, Munni Khatoon, Md. Qamar Tauheed, Md. Shakir, Md. Jabbar, Md. Ayub and Md. Sobrati were also assaulted and all were indulged in raising slogan disturbing the communal harmony.

Submission is that it would appear from the first information report that the petitioner was not present at the pond of the informant, Md. Ansarul Hasan, for fishing rather the petitioner and some other are said to reach at the house of uncle of the informant, where the mob was trying to put fire in the house of the uncle of the informant and caused injury to others. While the petitioner is named in the first information report as the member of the mob, but, no specific overt act has been attributed against him and the petitioner has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Katra P.S. Case No. 109 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-cum-Sub Judge No. XV, East, Muzaffarpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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