

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3316 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. Ram Chandra Sahani, aged about 61 years, Gender-Male, S/O Late Harinandan Sahani
2. Ajay Sahani, aged about 39 years, Gender-Male, S/O Late Deo Narain Sahani
3. Lahawar Sahani, aged about 46 years, Gender-Male, S/O Late Deo Narain Sahani
4. Vinod Sahani @ Vnod Sahani @ Binod Sahani, aged about 41 years, Gender-Male, S/O Late Deo Narain Sahani
5. Ram Ratan Sahani, aged about 56 years, Gender-Male, S/O Late Butan Sahani
6. Kariman Sahani, aged about 40 years, Gender-Male, S/O Late Hari Narain Sahani
7. Vidya Sahani @ Vidyasagar Sahani, aged about 29 years, Gender-Male, S/O Ramchandra Sahani
8. Sanni Deyal @ Sunnydewal Kumar Sahani, aged about 26 years, Gender-Male, S/O Kariman Sahani
9. Bipin Sahani @ Vipin Sahani, aged about 43 years, Gender-Male, S/O Paras Sahni @ Paras Sahani
10. Raja Babu @ Raja Babu Sahani, aged about 40 years, Gender-Male, S/O Paras Sahni @ Paras Sahani
11. Arun Sahani @ Arun Kumar Sahani, aged about 21 years, Gender-Male, S/O Lahawar Sahani

All resident of Village-Sikatiya P.S. Sidhwalia, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indrajeet Bhushan, Advocate
For the State	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis



of motion slip filed by learned counsel for the petitioners on 05.08.2021, which was allowed.

3. Heard Mr. Indrajeet Bhushan, learned counsel for the petitioners and Mr. Lalan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Sidhwalia PS Case No. 85 of 2020 dated 18.05.2020, instituted under Sections 341/323/324/325/307/427/34 of the Indian Penal Code.

5. The informant, in the FIR, has stated that there is land dispute between the parties and it is alleged that the accused had come to the house of the informant and had assaulted America Sahani and one of the accused inflicted knife blow in his abdomen due to which he fell down and when other family members, including females, went to save him, the accused persons assaulted them due to which they also sustained injuries and the petitioner no. 2, namely, Ajay Sahani and petitioner no. 7, namely, Vidya Sahani @ Vidyasagar Sahani were brandishing countrymade pistol forbidding anyone to come near. It is further alleged that the Maruti vehicle was also damaged and the accused ladies also pelted brick-bats from the house of the petitioner no. 1, Ram Chandra Sahani due to which



also other persons had sustained injuries.

6. Learned counsel for the petitioners submitted that the parties are agnates and as per the FIR itself there is land dispute. It was submitted that both sides have indulged in a skirmish for which there is also a counter case, i.e., Sidhwalia PS Case No. 86 of 2020 filed by the petitioner no. 7 against the informant and others. Learned counsel submitted that two cases have been registered at an interval of 10 minutes, though the information given to the police from the side of the petitioners was prior in time. Learned counsel submitted that the allegations are general and omnibus and even with regard to the specific allegation of assault by knife on the abdomen of one of the victims, it is not against any of the petitioners as only it has been stated that "Sahani" had done it without specifying which of the named accused. It was submitted that the learned Sessions Judge, Gopalganj in order dated 19.09.2020 passed in ABP No. 730 of 2020, by which prayer for anticipatory bail of the petitioners along with other co-accused had been rejected, has noted that after perusal of the injury reports, it appears that all the injured persons sustained simple injuries. It was submitted that the petitioners have no other criminal antecedent and injuries have been sustained by the petitioners' side also.



7. Learned APP submitted that as per the FIR, there is brutal assault on the informant and others and also knife blow was inflicted in the abdomen of the victim America Sahani.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, as there was a fight between agnates and there is a counter case as also the injuries being simple in nature and persons from both the sides being injured and there being no criminal antecedent, the Court is inclined to allow the prayer for pre-arrest bail.

9. Accordingly, 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 concerned Judicial Magistrate 1st Class, Gopalganj in Sidhwalia PS Case No. 85 of 2020, 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 and give undertaking with regard to good behaviour of the petitioners, and (iii) that the petitioners shall cooperate with the Court and the police/prosecution. Any violation of the terms and



conditions of the bonds or the undertaking or non-cooperation shall lead to cancellation of their bail bonds.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

11. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	
T	

