

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5993 of 2021

Arising Out of PS. Case No.-317 Year-2020 Thana- TARAIYA District- Saran

1. SIPACHAN SAHANI @ SHEO CHAND SAHANI Son of Late Babulal Sahani Resident of Village - Akuchak, P.S.- Taraiya, District - Chapra at Saran
2. Satendra Sahani Son of Sipachan Sahani @ Sheo Chand Sahani Resident of Village - Akuchak, P.S.- Taraiya, District - Chapra at Saran
3. Dharmendra Sahani Son of Sipachan Sahani @ Sheo Chand Sahani Resident of Village - Akuchak, P.S.- Taraiya, District - Chapra at Saran
4. Ravi Sahani Son of Pulish Sahani Resident of Village - Akuchak, P.S.- Taraiya, District - Chapra at Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Basant Kumar Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner Nos. 1 & 2 namely Sipachan Sahani @ Sheo Chand Sahani and Satendra Sahani as during pendency of this application, both the petitioners have been taken into judicial custody.



Permission is granted.

Accordingly, this application with regard to petitioner Nos. 1 & 2 namely Sipachan Sahani @ Sheo Chand Sahani and Satendra Sahani is dismissed as withdrawn.

The petitioner Nos. 3 & 4 are apprehending their arrest in Taraiya P.S. Case No. 317 of 2020 registered under Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Allegedly, while the informant went to inquire about the assault to his wife, the accused persons assaulted the informant and his wife, as a result of which, the informant's wife sustained injury. The ear ring is also said to have snatched away.

It has been submitted on behalf of the petitioner Nos. 3 & 4 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against them. They have been falsely implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner Nos. 3 & 4 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the



case and also the lockdown, let the petitioner Nos. 3 & 4, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Saran at Chapra in connection with Taraiya P.S. Case No. 317 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos. 3 & 4 shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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