

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7537 of 2021

Arising Out of PS. Case No.-105 Year-2019 Thana- MAJORGANJ District- Sitamarhi

1. SHIVLAL SAHNI S/O GAGAN SAHNI R/O VILLAGE SRINAGAR PS MAJORGANJ, DISTRICT-SITAMARHI.
2. RAJESH SAHNI S/O SHIVLAL SAHNI R/O VILLAGE SRINAGAR PS MAJORGANJ, DISTRICT-SITAMARHI.
3. NITESH SAHNI S/O SHIVLAL SAHNI R/O VILLAGE SRINAGAR PS MAJORGANJ, DISTRICT-SITAMARHI.
4. KAMLESH SAHNI @ KAMLESH KUMAR S/O SHIVLAL SAHNI R/O VILLAGE SRINAGAR PS MAJORGANJ, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 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.

The petitioners are apprehending their arrest in Majorganj P.S. Case No. 105 of 2019 registered for the offence under Sections 341, 323, 307, 354, 379, 504/34 of the Indian Penal Code.

Allegedly, the accused persons stopped the Baraat of daughter of the informant and abused as well as assaulted the members of Baraat party. Hearing the noise, the informant's nephew and sister-in-



law reached there but they were also assaulted by the petitioners. The petitioners are said to have pelted bricks upon the informant. Rs. 20,000/- is also said to have been snatched by the accused from the pocket of the informant.

Vide Annexures-1 & 1/1 of the application, the prayer for anticipatory bail of the petitioners was rejected due to non-compliance of the peremptory order in respect of defect(s) as pointed out by the stamp report.

This is second attempt of the petitioners for grant of anticipatory bail.

It has been submitted that earlier anticipatory bail application was not rejected on merit.

It has been submitted on behalf of the petitioners that the petitioner Nos. 1, 3 & 4 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. There is case and counter case between the parties. The present case has been instituted after three days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution. 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 petitioners are named in the Complaint Case/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 twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S. Case No. 105 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners 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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