

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9616 of 2022

Arising Out of PS. Case No.-166 Year-2021 Thana- ROSERA District- Samastipur

1. Ashok Sahni Son Of Rambali Sahni @ Rasmbali Sahni Resident Of Village- Rahuua Milki, P.S.- Rosera, District- Samastipur
2. Rambali Sahni @ Rasmbali Sahni Son Of Late Uttam Sahni Resident Of Village- Rahuua Milki, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 447, 341, 323, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code.

Petitioners along with other co-accused persons assaulted the informant and his wife and mother as a result of which they sustained injury.

It is submitted by learned counsel for the



petitioners that petitioners are innocent and have been falsely implicated in this case. The petitioners and informant are co-villagers and co-sharer and due to previous enmity, this case has been lodged. He submits that occurrence took place on 26.05.2021 but FIR has been lodged on 01.06.2021 without explanation of such delay. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that at the time of occurrence both petitioners were not present on the place of occurrence. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that there is specific allegation against petitioner no. 1 Ashok Sahni who gave musal blow on the head of brother of the informant and petitioner no. 2 assaulted the informant by means of hard and blunt substance causing grievous injury.

Considering the facts and circumstances of the case, let the above named petitioner no. 1 in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rosera P.S. Case No. 166 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner no. 2 is concerned, there is specific allegation against the petitioner no. 2, I am not inclined to enlarge the petitioner no. 2 on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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