

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12842 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- BAKHARI District- Begusarai

Darbeshawar Sahni, Son of Dhnichand Sahni, Resident of Village - Bakhri,
Ward No. 17, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bakhri P.S. Case No. 295 of 2021, registered for the alleged offences under Sections 447, 323, 307, 379 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner and other co-accused persons entered into the house of the informant, assaulted his wife and daughter on their heads with iron rod and took away Rs. 8 lacs from an *Almirah*.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case. The petitioner is the own brother of the informant and there is land dispute between the parties. The injuries on the body of the wife and daughter of the informant are found to be simple in nature. The allegation of theft against the petitioner is merely exaggeration. However, the matter has been compromised between the parties. The charge sheet has been submitted in this case and the allegation of theft has been found to be false. Though the case has been found true under Section 307 IPC, but there is no supporting evidence and there appears nothing to show that an attempt was made on the life of a person. The petitioner is in custody since 20.10.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Begusarai in connection with Bakhari P.S. Case No. 295 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of



Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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