

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13375 of 2022**

Arising Out of PS. Case No.-262 Year-2021 Thana- BRAHMPURA District- Muzaffarpur

1. PARSURAM SAHANI S/o- Subelal Sahani R/o- Village - Kolhua Paigambarpur, P.S. - Ahiyapur, District - Muzaffarpur.
2. Vikash Sahani @ Bikau Sahani S/o- Late Ravi Shankar Sahani R/o- Juran Chhapra, Dera Mohalla, P.S. - Brahampura, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Brahmpura P. S. Case No. 262 of 2021 registered for the offences punishable under Sections 341, 342, 307, 379 read with 34 of the Indian Penal Code.

The prosecution case is based on the *fardbayan* of the informant alleging therein that on 28.09.2021 at about 10:00



P.M., there was a function at the house of the petitioner no. 2 on the eve of Chhathi and the informant arrived there to attend the function being invited. It is also alleged that at the place of occurrence dance was going on and as such, the informant also started dancing and singing, in the meantime, when he was restrained to dance and sing some altercation took place and all the accused persons caught hold the informant and started assaulting and when brother-in-law of the informant, namely Sunil Mahto came to rescue him, the petitioner no. 2 inflicted sword blow over the head of the brother-in-law of the informant twice causing grievous injuries.

Learned counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it would be evident that the informant had come to the house of the petitioners where the Chhathi ceremony was going on and on account of some altercation scuffle took place between the family members of both the sides and moreover, there is counter version of the present case being Brahampura P. S. Case No. 263 of 2021 registered by the petitioner no. 2 against the informant and others. It is also submitted that there is no specific allegation against the petitioner no. 1. So far the petitioner no. 2 is concerned, he himself received injuries as



would be evident from annexure 2 to this application. It is further submitted that it was not pre-planned or premeditation rather the occurrence took place on a spur of moment and moreover, the petitioners have remained in custody for about ten months and they are ready to give undertaking that they will not indulge in tempering with the evidences or intimidating the witnesses/informant.

On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner no. 2 that he gave sword blow over the head of the brother-in-law of the informant, which resulting into grievous injuries.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that a free fight has been taken place between the members of both the sides, which resulted into injuries to the members of both the sides, however, the prosecution has failed to explain the injury sustained over petitioners and their members, apart from the fact that the petitioners are in custody since 21.12.2021 and now charges have already been framed, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the



like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahmpura P. S. Case No. 262 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the
name of verification.

(Harish Kumar, J)

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