

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20265 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- CHAKIA District- East Champaran

1. MANOJ SAHANI S/o Late Kapildeo Sahani Resident of Mohalla- Bada Baishaha, P.S.- Chakia, District- East Champaran, Motihari.
2. Sanjay Sahani S/o Late Kapildeo Sahani Resident of Mohalla- Bada Baishaha, P.S.- Chakia, District- East Champaran, Motihari.
3. Rajesh Sahani S/o Late Kapildeo Sahani Resident of Mohalla- Bada Baishaha, P.S.- Chakia, District- East Champaran, Motihari.
4. Madan Sahani S/o Late Yogendra Sahani Resident of Mohalla- Bada Baishaha, P.S.- Chakia, District- East Champaran, Motihari.
5. Sunil Sahani S/o Madan Sahani Resident of Mohalla- Bada Baishaha, P.S.- Chakia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 448, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that on 05.03.2021 at 7:00 pm when he was at his door, 14 accused persons, including the petitioners, came variously



armed and started abusing him, it is next alleged that petitioner no.1 gave orders to kill on which petitioner nos. 2, 3, 4 and 5 assaulted with sword causing injury on head, thereafter all the accused assaulted with *lathi*, stick and iron rod on account of which the informant's teeth broke. It is next alleged that when his brother intervened, all the accused persons assaulted him also and tore his cloth and when the villagers gathered, on alarm, the accused persons fled after snatching chain and other goods from the house.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the allegation of assault is general and omnibus in nature as it has not been specifically alleged that who assaulted the informant, it is further submitted that allegation is of assaulting the informant by sword but from perusal of the injury report it would manifest that injuries were caused by hard and blunt substance, out of which injury nos. 1, 2, 3 and 4 are simple and injury no.5 is grievous in nature, it is next submitted that the allegation of assault by sword gets belied by the injury report.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 the learned court below where the case is pending/successor court in connection with Chakia P.S. Case No. 53 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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