

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37754 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- BITHAN BAZAR District- Samastipur

Gandhi Sahani Son Of Domi Sahani Resident Of Village- Manorwa Khaira,
P.S.- Bithan, District- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
341, 323, 325, 307, 504 and 506 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on 14.12.2020 at about 7.30 P.M., while he was
sitting with his family in his home, the petitioner along with
nine other accused came variously armed and started verbally
abusing him. It is next alleged that when the informant resisted,
one Domi Sahani ordered to kill, on which the petitioner
assaulted him with an iron rod on his head causing injury and
further assaulted him on his left hand causing fracture. It is next



alleged that three sons of the informant also came to save him, but were also assaulted. It is next alleged that the reason for the occurrence is that one Suraj Sahani, who is friend of the informant had dispute with the petitioner relating to pathway.

The learned counsel for the petitioner submits that petitioner is a person with clean antecedent. No doubt, in the F.I.R., allegation is of assaulting the informant on his head causing injury, but then the injury report would show that the injury on head was simple in nature. It is next submitted that the blow was not repeated. The learned counsel further draws the attention of the Court to Annexure-2 to the injury report to submit that the injury caused was grievous. It is next submitted that the grievous injury was on non-vital part of the body. The learned counsel thus submits that even assuming what has been alleged is true without admitting for the purposes of bail, then it is the first offence of the petitioner and the petitioner is a person with clean antecedent.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bithan P. S. Case No.134 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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