

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40925 of 2021

Arising Out of PS. Case No.-553 Year-2020 Thana- KHAGARIA District- Khagaria

Pramod Sahni Son of Rajindra Sahni Resident of Mohalla- Sanhauli, Ward
No.12, P.S.- Chitragupta Nagar, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-06-2022 Let the defects, if any, be removed within four weeks
from today.

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

The petitioner apprehends his arrest in connection
with Khagaria (Chitragupta Nagar) P.S.Case No. 553 of 2020
registered for the offences punishable under Sections 341, 323,
504,307 of the Indian Penal Code.

As per prosecution case, it is alleged that on
03.08.2020, while the informant was sitting in his house, in the
meantime his elder brother namely, Pramod Sahni came there
and started abusing him and assaulted with tone on his head
from backside, as a result of which he sustained injury. It is



further alleged that earlier his brother had also tried to kill him and his family members.

At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that informant and accused petitioner are full brother and there is land dispute between both the brothers and due to which some scuffle had taken place but there had never been any intention on the part of the petitioner to cause any injury. It is next submitted that even the injury report reveals that the injured brother has sustained simple injury and further there is no repetition of assault which shows the intention of the petitioner. It is lastly submitted that this petitioner has no criminal antecedent and is ready to co-operate in the investigation as well as conclusion of the trial.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that there is specific allegation against the petitioner that he assaulted his own brother.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that petitioner



and informant are full brothers and admittedly, there is a land dispute which resultant into scuffle between both the parties and injuries have been found to be simple in nature, apart from the fact that petitioner has clean antecedent, let the petitioner above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria(Chitragupta Nagar) P.S.Case No. 553 of 2020 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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