

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48741 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- KESARIA District- East Champaran

1. HARENDRA SAHANI Son of Ram Sabat Sahani Resident of Village - Sundrapur Bhusaulwaha, P.S.- Kesariya, District - East Champaran.
2. Rohit Sahani Son of Harendra Sahani Resident of Village - Sundrapur Bhusaulwaha, P.S.- Kesariya, District - East Champaran.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 143, 341, 323, 324, 379, 436, 504 & 506 of the Indian Penal Code.

While the informant was sitting at her door, the petitioners along with 4-5 unknown persons are said to have



came there and started destroying the house of the informant by the tractor and on protest, on the order of petitioner no.1, petitioner no.2 assaulted by means of rod sustaining head injury to the informant. The left hand of the informant also got fractured.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is case and counter case between the parties. During course of investigation police has not found any sign of fire at the alleged place of occurrence. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is inordinate and abnormal delay of seven days in filing the lodging the F.I.R. without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kesariya P.S. Case No.17 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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