

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41734 of 2022

Arising Out of PS. Case No.-245 Year-2019 Thana- CHACKMEHSI District- Samastipur

Harivansh Sahani @ Harivansh Sahni Son Of Late Maksudan Sahani @ Late
Makhsudan Sahni Resident Of Village - Jagdishparan, P.S.- Chakmehsi,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ranjan Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Chakmehsi P.S. Case No. 245 of 2019 for
the offences punishable under Sections 147, 148, 149, 302
and 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that
while the informant was going to Paran Chowk for taking
tea and when he reached in front of the door of the



petitioner, all the accused persons including the petitioner surrounded his father and started assaulting him by means of lathi , danda and bamboo. It is further alleged that on being assaulted the father of the informant received serious injuries and he was referred to D.M.C.H for better treatment where he died in course of treatment.

Learned counsel for the petitioner submits that admittedly, the FIR has been instituted in the back drop of land dispute as is evident from the FIR. He further submits that no specific allegation has been levelled against anyone and general and omnibus allegation has been levelled against all the family members of the petitioner and he being head of the family has been implicated in this case. He next submits that the petitioner having fair antecedent, he himself surrender before the court below on 17.01.2020 and since then he is in custody.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that general and omnibus nature of allegation, apart from the period of



custody since 17.01.2020 and fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Samastipur in connection with Chakmehsi P.S.Case No. 245 of 2019 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

