

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57057 of 2021

Arising Out of PS. Case No.-192 Year-2015 Thana- LALGANJ District- Vaishali

1. NAWAL SAHNI S/O AMIK SAHNI R/o village- Laxmi Narayanpur Tola, Bilanpur, P.S.- Lalganj, District- Vaishali
2. Sanjay Sahni S/o Amik Sahni R/o village- Laxmi Narayanpur Tola, Bilanpur, P.S.- Lalganj, District- Vaishali
3. Chanda Devi W/o Sanjay Sahni R/o village- Laxmi Narayanpur Tola, Bilanpur, P.S.- Lalganj, District- Vaishali
4. Sanyogi Devi @ Sangogi Devi W/o Nawal Sahni R/o village- Laxmi Narayanpur Tola, Bilanpur, P.S.- Lalganj, District- Vaishali
5. Amik Sahni S/o Late Parmeshwar Sahni R/o village- Laxmi Narayanpur Tola, Bilanpur, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2022 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 147, 148, 323, 324, 308, 379, 354 and 447 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the petitioners on 25.06.2015, all of a sudden came to his house variously armed and thereafter it is alleged that



Nawal Sahni, Sanjay Sahni and Amik Sahni assaulted the informant on his head by means of *saria* dab causing injury, further the informant also received injury on his left hand's finger and when the wife of the informant came to save him, the accused persons tore her clothes and took cash of Rs. 50,000/- along with some jewellery.

Learned counsel for the petitioners submits that the petitioners are co-villagers and the dispute arose on account of land dispute relating to plantation of banana, it is next submitted that from the side of the present petitioners also Lalganj P.S. Case No. 177 of 2015 was instituted in which the present informant is alleged to have assaulted Amik Sahni, father of Sanjay Sahni by dab on his hand causing injury and thereafter some other persons were also injured on account of assault made by the present informant. Learned counsel further submits that admittedly the petitioners are not criminals nor the informant is a criminal, the dispute arose on a trivial issue leading to plantation of banana, it is also submitted that the case is of 2015 but till date nothing has happened nor the police made any endeavors to arrest the petitioners nor any process under Section 82 and 83 was issued.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Lalganj P.S. Case No. 192 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below, before accepting the bail bonds shall verify whether proceedings under Section 82 of the Cr.P.C. has been initiated or not against the petitioners. In the event, if it is found that proceeding under Section 82 has been initiated, then the present order will lose its effect and will not be acted upon.

(Satyavrat Verma, J)

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