

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- MOHIUDDIN NAGAR District-
Samastipur

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HARENDRA SAHNI, aged about 38 years, Male, Son of Late Ram Bhawan Sahni, Resident of Village - Maksudanpur Bhadaiya, P.S.- mohiuddin Nagar, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Mahendra Pratap, Advocate
For the Opposite Party : Mrs. Rina Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection with Mohiuddin Nagar P.S. Case No. 44 of 2020 for the offence registered under Sections 147, 341, 323, 379, 354, 307, 504 and 506 of the I.P.C.

The prosecution case, in brief, is that on 11.03.2020 at



6.30 P.M., when the informant was going to call of nature then the petitioner and other co-accused surrounded him on the way and co-accused Mahipal Sahni ordered to kill him. Upon which, the petitioner and other co-accused caught him and started beating him by means of *Lathi* and *Danda*. In the meanwhile, Harendra Sahni (petitioner) with an intention to kill him, gave a knife blow on his forehead, as a result of which, he sustained cut injury on his forehead and by the said assault, he became seriously injured. When he raised alarm then his wife, namely, Kavita Devi, came in his rescue then the petitioner and other co-accused also assaulted her and outraged her modesty and tore her *Blouse*. Co-accused Chandan Sahni snatched her *Mangalsutra*. Thereafter, they fled away.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. A day, prior to institution of the present case, an F.I.R. bearing Mohiuddin Nagar P.S. Case No. 45 of 2020 was instituted, annexed as Annexure-2 to the present application, against the informant's side by the accused persons. The present case is in retaliation to the earlier case. Nature of injury is said to be



simple. Hence, no offence under Section 307 of I.P.C. is made out. The alleged occurrence is said to have taken place due to petty reason.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned S.D.J.M., Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 44 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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