

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57728 of 2021

Arising Out of PS. Case No.-257 Year-2021 Thana- NAUTAN District- West Champaran

KISHORE SAHANI @ NANDKISHORE SAHANI Son of Sri Manshilal Sahani Resident of Village - Dakshin Telhua, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate
For the Informant	:	Mr.Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-03-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Nautan P.S. Case No. 257 of 2021 instituted for the offences under Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 19.07.2021, charge-sheet has been submitted in the case and has antecedent of four cases.

The informant alleges that on 14.07.2021 at 5:00 pm her niece had gone to attend the nature's call when she was intercepted by the petitioner and Harendra Sahni with an intention to outrage her modesty but on hearing her scream, the



informant along with her sister-in-law reached at the place of occurrence, then Harendra Sahni assaulted her sister-in-law with *farsa* causing injury on head, the petitioner assaulted the victim with iron rod on head causing injury and accused Baliram assaulted the informant's son with *lathi* causing injury on head, further Seema Devi snatched *mangalsutra* from informant's neck and Suganti Devi snatched her anklets.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of his antecedents, the petitioner and the informant side are related, are agnates and are having land dispute. It is further submitted that during the course of investigation apart from the informant and her husband, none of the independent witnesses have supported the prosecution case, rather the witnesses have stated that the parties are related, they are having land dispute and on account of land dispute, this occurrence took place and the informant very clearly implicated the petitioner alleging that he was trying to outrage the modesty of her niece. Learned counsel further submits that it absolutely does not stand to reason that if what has been alleged in the F.I.R. is true then why the female members from the petitioner's side would have been involved in the occurrence and would have snatched *mangal sutra* and



anklets from the informant's side. Learned counsel thus submits that a land dispute has been given colour of a criminal case, further from perusal of the injury report it would manifest that the injury, though on vital part of the body but is simple in nature though the doctor has recorded that it might have been dangerous. Learned counsel thus submits that no doubt the injury was on the head but the blow was not repeated and the informant during the fight came in between on account of which unintentionally she got injured.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not in a position to rebut the submissions made by the learned counsel for the petitioner that the parties are agnates and are having land dispute as it has come during the course of investigation.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into consideration the submissions of the learned counsel for the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Shri Raj Kapoor, learned Judicial Magistrate 1st



Class, Bettiah, West Champaran in connection with Nautan P.S.
Case No. 257 of 2021 with a condition that one of the bailors of
the petitioner shall be his father, Manshilal Sahani and further if
the petitioner is implicated in a case of similar nature and the
same comes to the notice of the learned court below, the learned
court below shall forthwith cancel his bail bonds.

(Satyavrat Verma, J)

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