

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60378 of 2021

Arising Out of PS. Case No.-196 Year-2021 Thana- KOTWALI District- Munger

1. BHUTO SAHNI S/O RAMESHWAR SAHNI @ NEPALI SAHNI R/o village- Gori Tola, Chandi Asthan, P.S.- Basudeopur O.P., District- Munger
2. RUPESH SAHNI S/O RAMESHWAR SAHNI @ NEPALI SAHNI R/o village- Gori Tola, Chandi Asthan, P.S.- Basudeopur O.P., District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2022 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 341, 323, 325, 354(B) 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that there was a dispute between her son and son of Mohra Sahni on account of which the occurrence took place in which it is alleged that Mohra Sahani fired in the air and assaulted informant with *lathi* on her head. Thereafter the petitioner no.1 assaulted informant with *lathi* causing fracture of



her left hand and Mohra Sahani also outraged her modesty by tearing her blouse and also snatched gold chain from her neck worth Rs. 50,000/-. It is alleged that petitioner no.1 also snatched earring worth Rs. 37,000/- and looted Rs. 3500 from her house, further the accused persons also assaulted the brother-in-law of the informant.

Learned counsel for the petitioners submits that from perusal of the allegations as alleged in the F.I.R. it would manifest that the occurrence had taken place on account of quarrel between the children while playing and the thrust of the allegation is against Mohra Sahani. It is next submitted that petitioners are brother of Mohra Sahani as a result of which they have been falsely implicated. Learned counsel submits that in the F.I.R. it is alleged that Bhuto Sahani assaulted the informant with *lathi* causing causing fracture of her left hand but in reality he had gone to pacify the matter and came to be roped in the present case with false implication, thus it is submitted that informant has not suffered any injury much less fracture on her hand. It is also submitted that there is no allegation against the petitioner no. 2 Rupesh Sahani.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 5,000/- (Rupees Five 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 Kotwali (Basudeopur) P.S. Case No. 196 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned court below before accepting the bail bonds of Bhuto Sahani (petitioner no.1) shall verify from the case diary whether the informant had suffered fracture in her right hand or not. In the event, if the injury report of the informant records that the informant had suffered fracture injury on her right hand, then the present order shall not be acted upon in favour of Bhuto Sahani.

(Satyavrat Verma, J)

Rishi/-

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

