

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56272 of 2022

Arising Out of PS. Case No.-486 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Dinesh Sahani, aged about 54 years (M) son of Nathuni Sahani
 2. Ajay Sahani, aged about 25 years (M) Son of Dinesh Sahani
Both Residents Of Village- Tharghatwa Dhab Tola, P.S.- Muffasil Motihari,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-12-2022

The matter has been heard through video conferencing.

2. Heard Mr. Abhishek Kumar, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Muffasil PS Case No. 486 of 2022 dated 05.07.2022 instituted under Sections 341, 323, 379, 307, 354A, 504 and 34 of the Indian Penal Code.



4. The allegation against the petitioners is that petitioner no. 1 had given *farsa* blow on the head whereas petitioner no. 2 is said to have tied rope in the neck of the wife of the informant.

5. Learned counsel for the petitioners submitted that petitioner no. 1 is the full brother of the informant and petitioner no. 2 is the son of petitioner no. 1 and the dispute relates to land partition due to which the incident occurred and there is also a counter case for the same incident. Learned counsel submitted that the injury report of the informant shows only one lacerated wound on the parietal region caused by hard blunt substance and the doctor has opined it to be simple in nature. It was submitted that the petitioners having no criminal antecedent are in custody since 07.07.2022.

6. Learned APP submitted that the petitioner no. 1 has inflicted *farsa* blow. However, it was not controverted that there is only one wound found caused by hard blunt substance and the same is simple in nature.

7. Having considered the submissions of learned counsel for the parties and taking into account that the petitioners having no criminal antecedent being agnates and the wound is simple in nature caused by hard blunt substance, the Court is inclined to allow the prayer for bail.



8. Accordingly, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000 (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Muffasil PS Case No. 486 of 2022, subject to the conditions that one of the bailors shall be a close relative of the petitioners. The petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners. Any violation of the terms and conditions of the bonds shall lead to cancellation of their bail bonds.

9. The application stands allowed in the aforementioned terms.

(Ahsanuddin Amanullah, J)

P. Kumar

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