

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12728 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- PARSA District- Saran

1. Umesh Sahani Son Of Parikshan Sahani @ Ram Parikshan Sahani R/O Vill.- Latrahiya, P.S.- Parsa, Distt.,- Saran
2. Amritshar Kumar @ Amritshar Son Of Sri Kailash Sahani R/O Vill.- Latrahiya, P.S.- Parsa, Distt.,- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 15.11.2022 in connection with Parsa P.S. Case No. 290 of 2022, F.I.R. dated 14.11.2022 for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

According to prosecution case, as per written statement of the informant Sunita Devi stating therein that on 06.11.2022 at 4.00 P.M. at P.M.C.H. she has stated that her husband is four brothers all sons of Parikshan Sahani @ Ram Parikshan Sahni and about 10 years ago there was amicable



family partition and all share holders came in possession over their land and in this way Umesh Sahani and Babu Chand Sahani constructed their house over their land and while her husband started construction her Bhaisur Kailash Sahani restrained from construction and abused her and threatened to kill her and thereafter on 06.11.2022 there was Panchayati near her house at Brahmsthan and under previous conspiracy Kailash Sahani ordered other all accused persons who all armed with knife, rod, Ball, Bicket and Lathi came and started abusing and thereafter Ailesh Kumar gave blow on her head with knife and her protection her son Rahul came all beaten him and injured his head and Panjari and hand and while her Bhaisur Babu Chand Sahani and husband came all attacked them and inflicted injury in the head and thereafter Umesh Sahani pressured her neck with his leg and dragged her cloth and thereafter Amritshar snatched golden Jiyutia.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that bare perusal of F.I.R. it transpired that there is specific allegation of co-accused namely, Ailesh Kumar who gave knife blow upon the head of



the informant and the allegation against petitioner no.1 namely, Umesh Sahni is that he press the neck of the informant but there is no injury was found on the neck of the informant so the allegation as alleged in F.I.R. is false and fabricated and there is no allegation against petitioner no.2 rather there is general and omnibus allegation against petitioner no.2. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 15.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-6, Chapra at Saran in connection with Parsa P.S. Case No. 290 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence



on two consecutive dates without sufficient reason,
their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the
evidence or the witnesses, in that case, the
prosecution will be at liberty to move for cancellation
of bail.

3. And further condition that the court
below shall verify the criminal antecedent of the
petitioners and in case at any stage it is found that the
petitioners have concealed their criminal antecedent,
the court below shall take step for cancellation of bail
bond of the petitioners. However, the acceptance of
bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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