

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12293 of 2023

Arising Out of PS. Case No.-557 Year-2022 Thana- NAUTAN District- West Champaran

1. YOGENDRA SAHANI @ YOGINDAR SAHANI, aged about 74 years, Male, Son of Late Prasadi Sahani Resident of Pandey Tola-Mallah Toli, P.S.- Nautan, District- West Champaran
2. SANJAY SAHANI, aged about 35 years, Male, Son of Yogendra Sahani @ Yogindar Sahani Resident of Pandey Tola-Mallah Toli, P.S.- Nautan, District- West Champaran
3. RAMCHATRI SAHANI, aged about 30 years, Male, Son of Yogendra Sahani @ Yogindar Sahani Resident of Pandey Tola-Mallah Toli, P.S.- Nautan, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seeks bail in connection with Nautan P.S. Case No. 557 of 2022 dated 22.10.2022 registered for the offence punishable under Sections 341, 323, 325, 307, 379, 504, 576/34 of the Indian Penal Code and later on Section 302 was added.

3. The prosecution case, in short, is that the informant Gayatri Devi wife of Bhutai Sahani has alleged in her written statement that her grandson was playing with children about



5:00 pm evening on 01.10.2020 then her pattidars Rini Devi, Anita Devi, Sarita Kumari, Shobha Devi, Chandani Kumari, Gaurav Kumar, Yogendra Sahani, Sanjay Sahani, Ramchatri Sahani had started beating her grandson, when her grandson Pradeep Kumar intimated them, then her daughter Priti went to ask the matter, she was brutally beaten due to which she became unconscious and thereafter, her second daughter Nandani Kumari was also beaten up. The informant further alleged that her daughter was taken to G.M.C.H. hospital, Bettiah but she was referred to Gorakhpur for better treatment.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Further it is submitted that incident had taken place on 01.10.2022 but the F.I.R. was lodged on 22.10.2022 after 21 days without any proper explanation and the same was sent before CJM, Bettiah on 25.10.2022, which creates serious doubt upon the whole story of the incident. It is also submitted that the victim Priti was not beaten up by any of the accused instead she had fallen from tree while playing with children. Further, it is submitted that petitioners and their family members were made accused in this case owing to the dirty politics and pertaining to the land disputes in between them. It is also submitted that not



any sign of external injury was found upon the body of victim as per the postmortem report. The petitioners are in custody since 25.10.2022 and charge-sheet has been submitted in the case. The petitioners have no criminal antecedent.

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

6. Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case No. 557 of 2022.

(Khatim Reza, J)

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