

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12873 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- CHHAURADANO District- East
Champaran

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1. MUKESH SAHANI S/O LATE DEV RAJ SAHANI R/v- Malahi, P.S.-
Chhauradano, District- East Champaran
 2. RAGHUVIR SAHANI S/O LATE DEV RAJ SAHANI R/v- Malahi, P.S.-
Chhauradano, District- East Champaran
 3. RAM DAYAL SAHANI S/O LATE DEV RAJ SAHANI R/v- Malahi, P.S.-
Chhauradano, District- East Champaran
 4. VASILATA DEVI W/O RAM DAYAL SAHANI R/v- Malahi, P.S.-
Chhauradano, District- East Champaran

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 379 & 504/34 of the Indian Penal Code.

All the F.I.R. named accused persons including
these petitioners in furtherance of their common intention armed
with deadly weapons are said to have entered into the house of
the informant and assaulted the informant and his family
members with intention to kill them due to which they sustained



injuries.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute and also to save their skin from the earlier case lodged by the petitioner no.1 vide Chhauradano P.S. Case No.310 of 2022 against the informant and others. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both sides have filed cases against each other. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Vide order dated 11.05.2023, case diary and injury report was called for in this case. I have perused the injury report. The injuries are grievous in nature.

Having regard to the facts and circumstances of the case as well as the fact that petitioner no.4 is a lady, let the above named petitioner no.4, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Chhauradano P.S. Case No. 311 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case and the nature of the injuries sustained by the victim, I am not inclined to enlarge petitioner nos.1, 2 & 3 on anticipatory bail. The prayer for anticipatory bail of the petitioner nos.1, 2 & 3 is hereby rejected.

However, if the petitioner nos.1, 2 & 3 surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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