

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17476 of 2023

Arising Out of PS. Case No.-460 Year-2022 Thana- SUGAULI District- East Champaran

1. PARAS SAHANI S/o Late Mukhtar Sahani R/o Village- Muswa, P.S.- Sugauli, Distt- East Champaran.
2. Kishnawati Devi Wife of Vicky Kumar Sahani R/o Village- Muswa, P.S.- Sugauli, Distt- East Champaran.
3. Sushil Kumar Son of Paras Sahani R/o Village- Muswa, P.S.- Sugauli, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Sugauli P.S. Case No. 460 of 2022 for the offence registered under Sections 341, 323, 324, 307, 325, 354, 379 and 504/34 of the Indian Penal Code lodged on 25.10.2022 by the informant, Himanchal Kumar Sahni.

The prosecution's case in brief is that on 24.10.2022 when the elder brother of the informant Rajelal Sahani went for a walk on the road, Sushil Kumar, Munna Kumar Sahani threw a burning cracker on the body of informant's brother which blasted and caused injury at several parts of the body. On



protest, they became furious and called other co-accused who came armed variously. At the instance of Paras Sahani, Bhuwani Devi assaulted Rajelal Sahani by 'lathi'. When Birbal Sahani came to his rescue, Munna Kumar Sahani gave '*farsa*' blow repeatedly on the neck of his brother Birbal Sahani causing head injury.

Sushil Kumar assaulted Birbal Sahani with 'iron rod' which caused fracture. When he fell down other, accuseds assaulted him on his back. Further, Ramawati Devi assaulted him with 'lathi' on his head due to which he sustained head injury. When his bhabhi, Sudha Devi came to their rescue, Bhuwani Devi abused and assaulted her. Krishnawati Devi and Ramawati Devi also kicked on the body. Accordingly, the FIR.

Learned Counsel for the petitioners submit that there is no direct allegation levelled. The further submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 15,000 through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.



Considering the fact that the allegation against Sushil Kumar (petitioner no. 3) is of using iron rod which hit one of the victim on the informant's side and the same has been found to be grievous in nature, his anticipatory bail application stands rejected.

So far as petitioner no.1, Paras Sahni is concerned, although allegation is there, no injury is forthcoming as informed by the learned counsel for the petitioner and not rebutted by learned counsel for the State.

Regarding petitioner no. 2, Kishnawati Devi, she is a woman and do not have criminal antecedent. In the aforesaid background, this Court is inclined to extend the benefit of anticipatory bail both to the petitioner nos. 1 and 2.

Let the petitioner nos. 1 & 2 , in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 460 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Further, if the petitioner no. 3 (Sushil Kumar) surrenders within a period of four weeks from today, the Court concerned shall take up the matter and dispose of the same without being prejudiced by any of the observation made herein and dispose of the same preferably on the same day.

(Rajiv Roy, J)

Jagdish/Neha/-

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