

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19732 of 2023

Arising Out of PS. Case No.-60 Year-2022 Thana- PATAHI District- East Champaran

1. Jamadar Sahani @ Jamdar Sahni S/O Late Baldeo Sahani R/O Village- Amwariya Tola (BOKANE Kala), P.S -PATAHI, Distt.- East Champaran, Motihari
2. Munna Sahani S/O Ramsurat Sahni R/O Village- Amwariya Tola (BOKANE Kala), P.S -Patahi, Distt.- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Jitendra Narain Sinha, learned counsel appearing on behalf of the petitioners and Mr. Amitesh Kumar, learned Additional Public Prosecutor for the State.

Application is for grant of anticipatory bail to the petitioners, who are apprehending their arrest in connection with Patahi P.S. Case No. 60 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 504, 506/34 of the Indian Penal Code.

Allegation against the petitioners is that they assaulted the son of the informant by means of butt of the gun due to which he fell down and sustained serious injury. Further allegation has been levelled against all the accused persons of



assault and demanding *rangdari* of Rs.1,00,000/-.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners have been falsely implicated in this case. In course of investigation, the Investigating Officer having found no complicity in the present crime submitted final form showing them innocent and, thus, they have not sent up for trial. It is next submitted that in fact the present case is a counter blast to Patahi P.S. Case No. 59 of 2022 lodged by co-accused Dinesh Sahani. He next submitted that since the learned court below differing with the final form took cognizance for the offences as alleged in the FIR, apprehension of their arrest has arisen, hence the present application. He lastly submits that so far the petitioner no. 1 is concerned, he is carrying five criminal antecedents, however, in all the cases he is on anticipatory bail. So far the petitioner no. 2 is concerned, he is a man of fair antecedent.

On the other hand, learned counsel for the State opposed the bail application and submits that the learned court below differing with the final report has taken cognizance for the offences as alleged in the FIR and, as such, their complicity cannot be denied.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the petitioners have not been sent up for trial as their complicity has not been found during the course of investigation, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, First Class, East Champaran, Motihari in connection with Patahi P.S. Case No. 60 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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