

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20630 of 2023

Arising Out of PS. Case No.-524 Year-2018 Thana- KUDHNI District- Muzaffarpur

1. LALU SAHNI Son of Yogendra Sahni R/V- Charkoriya, P.S- Kudhani (turki O.P) Dist- Muzaffarpur
2. Dinesh Sahni Son of Ram Brikschh Sahni R/V- Charkoriya, P.S- Kudhani (turki O.P) Dist- Muzaffarpur
3. Mahesh Kumar Son of Dinesh Sahni R/V- Charkoriya, P.S- Kudhani (turki O.P) Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate.
For the Opposite Party/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-06-2023 Heard Mr. Ganesh Prasad Singh, learned counsel for the petitioners and Mr. Pradeep Narain Kumar, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend their arrest in connection with Kudhani (Turki O.P.) P.S. Case No. 524 of 2018 dated 20.10.2018 registered for the offence punishable under Sections 341, 323, 324, 307, 354-B, 379, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was going along with his wife on 18.10.2018 to see Durga Puja Pandals, the accused persons were teasing his wife and after some time, when the informant was



standing near the betel shop, all the accused persons arrived there with rod, *lathi*, *farsa*, etc. and one Arvind Sahni pointed pistol upon the informant and co-accused Abhishekh Kumar assaulted the informant by means of knife. It has further been alleged that other accused persons assaulted by means of *lathi*, *rod*, *farsa*, etc. and when the informant's wife tried to intervene all the accused persons with an intention to outrage her modesty tore her *saree* and blouse and co-accused Arvind Sahni opened fire and ran away.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to previous enmity with co-accused Abhishek Kumar and informant and petitioners being the relatives of Abhishek Kumar has falsely been implicated in this case. He further submits that the allegation against the petitioners are general and omnibus in nature and the injury caused to the informant has been found to be simple in nature as would be evident from Annexure-2 which is the bail order of the co-accused Abhishek Kumar.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the injury caused to the informant has been found to be simple in nature and there is previous enmity between the



parties, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate (West), Muzaffarpur, in connection with Kudhani (Turki O.P.) P.S. Case No. 524 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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