

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20956 of 2023

Arising Out of PS. Case No.-306 Year-2014 Thana- MOTIHARI MUFASIL District- East
Champaran

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Gheghu Sahani @ Ghenghu Sahani Son Of Kapildev Sahani Resident Of
Village - Baradaha, Ward No. 04, P.S. - Muffasil, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Muffasil P.S. Case No. 306 of 2014 registered
on 16.09.2014 for the alleged offences under Sections 341, 323,
498(A), 315 and 504/34 of the Indian Penal Code.

04. As per prosecution case, the petitioner is the elder
brother of husband of the informant. The allegation against the
petitioner and other co-accused persons is that after some
altercation, they assaulted the informant and by such assault the
pregnancy of the informant was aborted.



05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the brother-in-law of the informant and there is land dispute over partition of property between the parties. Even the relatives who came to pacify the dispute between the parties have been named in the FIR as accused persons. The petitioner has not caused any injury to the informant and there is no material to show that the pregnancy of the informant was aborted. The co-accused with similar allegation, namely, Madan Sahani has been granted bail by a Co-ordinate Bench vide order dated 21.05.2015 passed in Criminal Misc. No. 24237 of 2015. The petitioner is in custody since 01.02.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
East Champaran, Motihari in connection with Muffasil P.S. Case
No. 306 of 2014 subject to the conditions mentioned in Section
437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence for three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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