

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23417 of 2023

Arising Out of PS. Case No.-1138 Year-2022 Thana- KHAGARIA District- Khagaria

NIKLESH SAHNI S/o- RAMKISHUN SAHNI VILLAGE- OLAPUR
GANGAUR WARD NO. 5 TIRASI, POLICE STATION- KHAGARIA
GANGAUR DISTRICT KHAGARIA-PIN CODE-851204

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarjeet Kumar Singh son of Late Arun Kumar Singh Village- Olapur Ps-
Gangaur Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the petitioner
and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Khagaria (Gangaur) P.S. Case No.1138 of 2022 bearing G.R. No.3091 of 2022, registered for offences under Sections 341, 323, 325, 308, 379, 504, 506 and 34 of the IPC.

The accusation is that while the informant was grazing his cow in his field on the alleged date and time of occurrence, the accused persons, including the petitioner herein had arrived there, whereafter the petitioner is alleged to have assaulted the informant with an iron rod, resulting in him sustaining injuries



and then the other accused persons had also assaulted him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a bare perusal of the impugned order dated 17.02.2023, would show that no injury report has been received by the learned trial Court, meaning thereby that the informant has not sustained any injury. In any view of the matter, it is the specific averment of the learned counsel for the petitioner that the informant has not sustained any injury and a false and fabricated case has been set up.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no injury report on record qua the informant herein, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the



privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his 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, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No.1138 of 2022 bearing G.R. No.3091 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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