

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26793 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- PHENHARA District- East Champaran

1. SUNIL SAHANI Son of Mahesh Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran
2. Nitesh Kumar @ Nitesh Sahani Son of Naresh Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran
3. Ramnath Sahani Son of Naresh Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran
4. Naresh Sahani Son of Bhikhari Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran
5. Vikesh Sahani Son of Maheshi Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran
6. Mahesh Sahani Son of Late Ramdeo Sahani Resident of village - Mankarwa, P.S. - Phenhara, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 325, 447, 354(B), 379, 504, 506 of the Indian Penal Code.

3. The prosecution story, in brief, is that on the date of occurrence i.e. 13.08.2022 at about 07:00 P.M., all the FIR



named accused persons including these petitioners came at the door of the informant's house and started assaulting him and his family members. Petitioner no.3 assaulted the informant on his head by means of farsa which caused head injury to him, whereas petitioner no.1 assaulted the informant's son-in-law with iron rod. Petitioner nos. 4 & 6 assaulted one Nanhak Sahani, as a result of which he sustained injuries. Petitioner nos. 5 & 2 are said to have tried to outrage the modesty of the informant's daughter. They also snatched Mangal Sutra and golden chain worth Rs. 25,000/-.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The injuries sustained by the victims are simple in nature. There is inordinate and abnormal delay of 5 days in filing the FIR without assigning any plausible and convincing reason for the said delay. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.



6. Considering the delay in filing of the FIR as well as nature of the injuries sustained by the victims i.e. simple, the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Phenhara P.S. Case No. 133 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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