

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33497 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- KALYANPUR District- East Champaran

1. RAJ KUMAR SAHANI Son of Ramadhar Sahani Resident of village - Siswa Kharar, P.S. - Kalyanpur, Distt. - East Champaran
2. Sagar Kumar Sahani Son of Ramadhar Sahani Resident of village - Siswa Kharar, P.S. - Kalyanpur, Distt. - East Champaran
3. Manohar Kumar Sahani @ Manohar Sahani Son of Late Mithu Sahni Resident of village - Siswa Kharar, P.S. - Kalyanpur, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 93 of 2022 dated 20.03.2022, registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 307, 325, 458, 504, 385, 506 & 379 of the IPC, pending in the court of learned Chief Judicial Magistrate, Motihari, West Champaran.

3. Allegedly, petitioners, along with other accused persons, armed with deadly weapons, entered the house of informant and started assaulting him and his family members.



They also looted away some household articles from the house of the informant.

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 dirty village politics. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The present case is counter version of Kalyanpur P.S. Case No. 101 of 2022. As per the injury report, the injuries caused by petitioner nos. 1 & 2 to Nihal Kumar were found simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that the injury nos.1 & 2 of Hazari Devi are grievous in nature, which was caused by petitioner no.3, hence, petitioner no.3 does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as the injuries caused by petitioner nos. 1 & 2 were found simple in nature, let the above named petitioners nos. 1 & 2, 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 Kalyanpur P.S. Case No. 93 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is specific allegation against petitioner no.3 to assault Hazari Devi due to which she sustained grievous injury, I am not inclined to enlarge the petitioner no.3 on bail. The prayer for bail of the petitioner no.3 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

