

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34268 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- KOTWA District- East Champaran

1. Shiv Pujan Sahani S/O- Mahanth Sahani Village- Barharwa Kala Ps- Kotwa Dist- East Champaran
2. Rampat Sahani son of Rajendra Sahani Village- Barharwa Kala Ps- Kotwa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Ms. Rashmi Jha, learned counsel for the petitioner and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Kotwa P.S. Case No.74 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, while the informant was going to his field, in the meantime, all the FIR named accused persons by forming an unlawful assembly intercepted him and started abusing. It is further alleged that on exhortation made by co-accused Bhagwan Sahani, petitioner no.1 assaulted the father of the informant by means of lathy and further petitioner no.2 in



order to outrage the modesty of the wife of the informant torn her clothes. Further allegation has also been leveled against other accused persons.

4. Learned counsel appearing on behalf of the petitioners submits that both the petitioners as well as informant are agnates and there is a land dispute between them. She further submits that so far the injury sustained over the father of the informant is concerned, the same has been inflicted upon his hand and *prima facie* appears to be simple in nature. She further submits that allegation against the petitioner no.2 appears to be super addition only in order to implicate his name. She also submits that the petitioners are men of fair antecedent and they are ready to abide by the terms and conditions of this Court and they undertakes that they will not indulged in such type of crime in future.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the incident has arisen on account of land dispute, coupled with the fair antecedent of the petitioners and the nature of injuries, let 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No.74 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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