

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35280 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- KALYANPUR District- Samastipur

Arun Sahni Son Of Binda Sahni @ Vindeshwar Sahni Resident Of Village-
Dhruvgama, Po- Dhruvgama, Ps- Kalyanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Madhav Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case No. 75 of 2022, registered for the
offences punishable under Sections 147, 148, 341, 323, 307,
447, 354, 379, 504, 506 of the Indian Penal Code.

3. It is alleged that on account of some dispute with
regard to *jalkar* all the accused persons barged into the house of
the informant and started abusing which was protested by him.
It is further alleged that the petitioner assaulted the informant
with iron rod causing head injury. Other accused persons also
assaulted the informant and torn her clothes and when her
husband came to rescue her he was also



assaulted by co-accused Nitish Kumar and other accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that admittedly there is a dispute with regard to *jalkar* which resulted into lodging of the case and counter case. He further submits that the wife of the petitioner has also filed Kalyanpur P.S. Case No. 76 of 2022 with regard to the same occurrence and in fact there was a free-fight which took place between both the parties resulting into injuries to persons of both sides. He has further drawn the attention of this Court to the impugned order with reference to that he submitted that the doctor has found only lacerated wound and swelling over the head and occipital region and in fact the injury is not grievous in nature. He lastly submits that the petitioner has absolutely clean antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner has assaulted over the head by means of iron rod.

6. Regard being had to the submissions made on behalf of the parties and considering the counter version of the present case, coupled with the fair antecedent of the petitioner and *prima facie* the injury appears to be simple in nature, let the petitioner abovenamed be released on 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Kalyanpur P.S. Case No. 75 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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