

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44158 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- CHACKMEHSI District- Samastipur

1. MANOJ SAHNI SON OF UMESH SAHNI RESIDENT OF VILLAGE-NIMA CHAKHAIDAR, PS- CHAKMEHSI, DISTRICT- SAMASTIPUR
2. SANOJ SAHNI SON OF UMESH SAHNI RESIDENT OF VILLAGE-NIMA CHAKHAIDAR, PS- CHAKMEHSI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 (Manoj Sahni).
3. Permission is accorded.
4. The petitioner no. 2 apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 385, 329, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.
5. Learned counsel for the petitioner submits that the petitioner has antecedent of four cases but all the cases have



been instituted by the present informant.

6. The informant alleges that on account of dispute relating to land, the accused persons assaulted, further Umesh assaulted by an iron rod causing injury on head and thereafter petitioner along with Dharendra assaulted him by bamboo causing fracture of leg, further petitioner along with Umesh and others assaulted his wife and mother-in-law and also disrobed his wife while Kajal and Keshiya Devi snatched gold chain of his wife.

7. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no specific allegation of committing any overt act is alleged against the petitioner, as such allegation against him is general and omnibus in nature, it is next submitted that Manoj Sahni has filed a Measurement Case No. 121 of 2022-2023 before the Circle Officer, Kalyanpur, Samastipur for measurement of his land, however, when the measurement commenced, the present informant started making protest on account of which, the measurement could not be done and the occurrence took place, it is next submitted that even injury suffered by the injured is simple in



nature as would be evident from *Annexure-3* to the anticipatory bail application.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chakmehsi P.S. Case No. 75 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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