

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48482 of 2023

Arising Out of PS. Case No.-288 Year-2021 Thana- MEHSI District- East Champaran

1. Amod Kumar Sahani @ Amod Sahani, Son of Mahendra Sahani @ Mahindra Sahni Resident of village - Bakhari Nazir, P.S. - Mehasi, Distt. - East Champaran
2. Neetu Devi, Wife of Amod Kumar Sahani @ Amod Sahani, Resident of village - Bakhari Nazir, P.S. - Mehasi, Distt. - East Champaran
3. Maya Devi, D/o Mahendra Sahani @ Mahindra Sahni, Resident of village - Bakhari Nazir, P.S. - Mehasi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Mehasi P.S. Case No.288/2021 registered on 28.11.2021 for the offences punishable under Sections 341, 323, 324, 447, 448, 308, 379/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 5 named accused persons, including the petitioners to the effect that petitioner No.1, namely, Amod Kumar Sahani @ Amod Sahani and co-accused, Krishna Kumar were consuming liquor at the door of the informant and abusing him. On protest



being made, they assaulted the father of the informant with iron rods causing head injury when the mother of the informant came to rescue him, they assaulted her too with iron rods causing head injury whereas petitioner Nos. 2 and 3 alleged to have thrown the daughter-in-law of the informant on the ground by catching her hair.

4. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have committed no offence. The injury on the informant, his father, and mother has been found simple while the injury on Beena Devi (daughter-in-law of the informant) has been found grievous which is alleged to have been caused by petitioner no.1. He further submits that the present case is a counter blast of Mehasi P.S. Case No. 289 of 2021 lodged by co-accused, Madan Sahni against the petitioners' side. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against petition no.1.

6. In the present facts and circumstances, this Court is not inclined to grant the privilege of anticipatory bail to



petitioner no.1, namely, Amod Kumar Sahani @ Amod Sahani.
Accordingly, the prayer for anticipatory bail of petitioner no.1 is
hereby rejected.

7. Considering the nature of allegation levelled
against petitioner nos. 2 and 3, let them be released on
anticipatory bail, in the event of arrest or surrender before the
learned Court below within a period of 6 weeks from today, on
furnishing bail bond of ₹30000/- (thirty thousand) each with
two sureties of the like amount each to the satisfaction of the
learned CJM, Motihari, East Champaran, in connection with
Mehasi P.S. Case No.288/2021, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

Ashwini/-

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