

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53210 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- CHHATAUNI District- East Champaran

Dhanu Sahani @ Dhanu Kumar, Son of Lalan Sahani Resident of village -
Chhota Bariyarpur, near Shiv Mandir, P.S. - Chhatauni, Distt. - East
Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No. 37 of 2023, registered on 20.01.2023, for the alleged offence under Sections 341, 323, 447, 307, 379, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, in the background of some quarrel amongst children, the petitioner and other co-accused persons assaulted the informant. When the petitioner ran away to the house of his uncle to save himself, the co-accused persons damaged the four wheeler of the uncle of the informant. Further, co-accused assaulted the younger brother of



the informant and took away Rs. 5,000/- from his pocket. When the informant and others were going to lodge the report, the petitioner, F.I.R. named co-accused persons along with 10-12 unknown co-accused surrounded them and one Kishan Sah fired upon the informant, causing injuries to him.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no allegation of any overt act against the petitioner except that his name has been mentioned in the FIR as an accused. The allegation of firing is against co-accused Kishan Sah. There is no specific allegation about assault by this petitioner or even the other co-accused persons. Learned counsel further submits that the matter has been compromised between the parties and a compromise petition has been filed in the court of learned Chief Judicial Magistrate, Motihari.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of any specific allegation against petitioner and further considering the probability of false accusation, let the petitioner above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court in connection with Chhatauni P.S. Case No. 37 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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