

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52768 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- DARIYAPUR District- Saran

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1. Raju Kumar @ Raju Sahani Son Of Dhruw Sahni @ Dhruv Sahni Resident Of Village- Jagdish Pur, Ps- Dariyapur, Dist- Saran
 2. Dhurendra Sahni @ Dhurandhar Sahani Son Of Late Dharmnath Sahani Resident Of Village- Jagdish Pur, Ps- Dariyapur, Dist- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 At the outset, learned counsel for the petitioners submits that during pendency of the application, the petitioner no.1 Raju Kumar @ Raju Sahani got arrested and, as such, he seeks permission to withdraw the application on his behalf.

2. Permission is accorded.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. The petitioner no.2 Dhurendra Sahni @ Dhurandhar Sahani apprehends his arrest in connection with Dariyapur P.S. Case No. 315 of 2022 registered for the offences punishable under Sections 341, 323, 307, 447, 504 and 506/34 of the Indian Penal Code.

5. Allegedly, on account of quarrel among the children of both sides, the petitioner tied the hands of the son of the



informant and assaulted him mercilessly. Whereupon the informant and her husband went to the house of the accused persons and condemned their act, upon which the accused persons infuriated and assaulted the informant and her husband by means of iron rod. It is specifically alleged that the petitioner assaulted one Raju Sahani over his head with iron rod.

6. Learned counsel for the petitioner submits that from the FIR, it is evident that both the accused and the informant are neighbours and on account of some trifle, a scuffle took place which resulted into injuries to the persons of both sides. He further submits that the present case is a counter blast of Dariyapur P.S. Case No. 314 of 2022 lodged by the side of the petitioner. He drew attention of this Court to the impugned order and with reference thereto, he submits that though the injury report attached with the case diary suggests that the informant sustained two wounds on her front of the scalp, but the nature of injury has not been opined and she was advised for CT scan from P.M.C.H. but the CT scan report is not available. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation/trial and will not indulge in such type of occurrence in future. While concluding his submissions, he also submits that there is delay



of ten days in lodging the FIR without there being any explanation for the said delay.

7. On the other hand, learned counsel for the State opposes the application.

8. Regard being had to the submissions made on behalf of the parties and taking into consideration of delay in lodging the FIR and the fact that there is a counter version of the present occurrence and both parties are neighbour, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII, Saran at Chapra in connection with Dariyapur P.S. Case No. 315 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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