

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54577 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- HARSIDHI District- East Champaran

1. Lalan Sahani Son Of Mahadev Sahani R/O-Ujjain Cotiya Manganuwa, P.S.-HARSIDHI, Distt.-EAST Champaran
2. Munna Sahani Son Of Lalan Sahani R/O-Ujjain Cotiya Manganuwa, P.S.-HARSIDHI, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-10-2023 Heard Mr. Kundan Rathore@ Kunder Kumar,

learned counsel for the petitioners and Mr. Anil Kumar, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Harsidhi P.S. Case No. 167 of 2023, F.I.R. dated 09.03.2023 for the offences punishable under Sections 341, 323, 324, 325, 307, 354B, 379, 504/34 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with weapons assaulted the informant and his son which causes them injury.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears that the petitioner no. 1, namely, Lalan Sahani gave farsa blow



on the head of the informant and petitioner no.2, namely, Munna Sahini gave garasi blow on the head of the informant's son. He further submits that there is no injury report available on record to suggest that the informant and his son have received any injury and it has come during investigation in paragraph no. 37 of the case diary that when the I.O. has asked for the injury report from the informant then the informant has not been able to produce any injury report with respect to the present occurrence. He further submits that in view of the aforesaid, the petitioners have been falsely been implicated in this case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and no such occurrence has taken place.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 167 of 2023, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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