

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53936 of 2023

Arising Out of PS. Case No.-407 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Krishna Sahni @ Krishna Kumar Son Of Rajeshwar Sahani Resident Of Village - Shekh Majharia, P.S. - Majhauria, Distt. - West Champaran
2. Nagendra Sahani Son Of Jamuna Sahani Resident Of Village - Shekh Majharia, P.S. - Majhauria, Distt. - West Champaran
3. Hazari Sahani @ Hazari Kumar Sahani Son Of Jamuna Sahani Resident Of Village - Shekh Majharia, P.S. - Majhauria, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Adv
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Madhurendra Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 452, 341, 323, 324, 307, 380, 504, 506, 34 of the Indian Penal Code.

3. As per the prosecution case, petitioner no. 1 is said to have assaulted the informant by means of *farsa*. It is further alleged that the petitioners no. 2 and 3 are said to have assaulted the brother of the informant, Ramayan Sahani, by means of iron rod.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is land dispute between the parties. He further submits that the instant case is counter blast of Majhaulia Police Station Case No. 373 of 2023 filed by the mother of the petitioner no. 1. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that the injury found upon the informant was found simple in nature, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Majhaulia P.S. Case No. 407 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that injury found upon brother of the informant,



Ramayan Sahani, was grievous in nature, I am not inclined to enlarge petitioners no.2 and 3, on anticipatory bail. The prayer for anticipatory bail of the petitioners no. 2 and 3 is hereby rejected.

8. However, if the petitioners no. 2 and 3 surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

9. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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