

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54572 of 2023

Arising Out of PS. Case No.-79 Year-2023 Thana- NAUTAN District- West Champaran

Muklesh Sahani, Son of Jawahir Sahani, Resident of village - Dakshin Telhua,
Ward No. 06, P.S. - Nautan, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Nautan P.S. Case No. 79 of 2023 registered for the alleged offences under Sections 341, 323, 324, 325, 307, 354(B), 379 and 504/34 of the Indian Penal Code.

3. As per prosecution case, in the background of previous dispute, the petitioner and other co-accused persons assaulted the informant with iron rod, fists and slaps. When the son of the informant tried to save her, co-accused Kamlesh Sahani gave a *farsa* blow on the head of the son of the informant causing fracture on his head and this petitioner caused injuries over the left eye and on the thumb of the left hand of the



son of the informant with '*Barchhi*'.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. From the perusal of the FIR, it is apparent that the allegation against the petitioner is that of '*Barchhi*' blow on the son of the informant, but the injury report does not show any sharp cut injury or pointed injury. There are three injuries on the son of the informant and these injuries are all said to be simple in nature caused by hard and blunt substance. This shows allegation against the petitioner is false. The allegation for offence of theft is against the other co-accused persons. The petitioner is aged about 19 years and is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the injuries are stated to be simple in nature and further considering the possibility of false implication, 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/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 79 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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