

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55477 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- GORAUL District- Vaishali

1. Shambhu Sahni S/O- Jagdish Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
2. Dinesh Kumar Sahni @ dinesh Sahni son of Shivnath Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
3. Binod Sahni son of Late Ram Chandra Sahni @ Late Sukhari Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
4. Sandesh Sahni son of Maheshwar sahni Village- Katarmala Ps- Goraul Dist- Vaishali
5. Ramesh Sahni son of Shivnath Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
6. Mantu Sahni son of Late Ramchandra Sahni @ Late Sukhari Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
7. Prabhu Sahni son of Jagdish Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
8. Shyam Nath Sahni son of Parsuram Sahni Village- Katarmala Ps- Goraul Dist- Vaishali
9. Harendra Sahni son of Late Ram Dayal Sahni Village- Katarmala Ps- Goraul Dist- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Dr. Alok Kumar Alok, Advocate
For the Informant	:	Mr. Manish Chandra Gandhi, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-11-2023 Heard Dr. Alok Kumar Alok, learned counsel for the petitioners, Mr. Manish Chandra Gandhi, learned counsel appearing on behalf of the Informant and Mr. Humayou Ahmad Khan, learned APP for the State.

2. The petitioners are apprehending their arrest in



connection with Goraul P.S. Case No. 103 of 2023, F.I.R. dated 16.03.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354, 379, 504, 506, 427 of the Indian Penal Code.

3. Allegation against the petitioners is that they have assaulted the family members of the informant with *iron rod*, *bhala* etc. due to which they sustained injured.

4. Learned counsel for the petitioners submits that the petitioner no. 3 carries three more cases and petitioner no. 09 carries one more case other than the present one whereas petitioner nos. 2 to 8 have clean antecedents and they have been falsely implicated in the present case due to admitted land dispute between the parties. He further submits that from perusal of the F.I.R. it appears that petitioner no. 1 is the order giver and petitioner nos. 1 and 6 have assaulted with iron rod to the informant and their family members and petitioner no. 2 namely Dinesh Kumar Sahni has also assaulted with bhala to the grand daughter of the informant and all the injury report of the injured persons suggest that although they have received injury but all the injuries are simple in nature and the land in question being the ancestral property of petitioner no. 1.

5. Learned counsel appearing on behalf of the



informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against the petitioners that they have assaulted the family members of the informant and apart from the aforesaid, petitioner no. 1 carries three more cases and petitioner no. 9 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that petitioner no. 1 is on bail in all the three pending cases and petitioner no. 9 is on bail in one pending case.

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Vaishali at Hajipur in connection with Goraul P.S. Case No. 103 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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