

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55739 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- TARIYANI CHAPRA PS District-
Sheohar

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1. Manoj Kumar Son Of Ram Pukar Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 2. Ram Bharos Kumar @ Bharos Kumar Son Of Ram Pukar Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 3. Awadhesh Kumar Son Of Binod Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 4. Santosh Kumar Son Of Binod Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 5. Ashok Kumar Son Of Binod Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 6. Pappu Kumar Son Of Binod Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 7. Mukesh Kumar @ Mukesh Sahni Son Of Rajendra Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 8. Shiv Sahni @ Shiv Kumar Sahni Son Of Rajendra Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 9. Hira Kumar Son Of Rajendra Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 10. Meena Devi Wife Of Binod Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar
 11. Phool Kumari Devi Wife Of Rajendra Sahni R/O Village- Kumhrar, P.S.- Tariyani, Distt.- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nasim Yahya, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard Mr. Nasim Yahya, learned counsel for the

petitioners and Mr. Bharat Bhushan, learned APP for the State in

Virtual Court Proceeding.



Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioners are apprehending arrest in connection with Tariyani Chhapra P.S. Case No. 28 of 2022 under sections 341, 323, 307, 504/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that while he was returning home and as he crossed the house of Binod Sahni, the accused persons asked him why he did not cooperate in the Ward Election (which resulted into loss to Ram Pukar Sahni) and it is further alleged that on the order of said Binod Sahni, Ram Pukar Sahni assaulted him with iron rod causing injury on his head as also eyebrows.

Further allegation is against other named accused persons of assaulting the informant.

Learned counsel for the petitioners submit that save and except the fact that they have been named in the FIR and omnibus allegation of assault is/are against them, the fact remains that specific allegation is that it was Binod Sahni who stopped while the informant was going towards his home, he further ordered whereafter, Ram Pukar Sahni gave rod blow causing injuries as stated above and in that backdrop, they deserve bail with further submission that they would be abiding



by the terms and conditions, if enlarged on bail.

Further submission is that considering the fact that injury has been alleged by the informant, as a medical assistance, all the petitioners would like to individually contribute Rs. 1000/- each totalling Rs. 11,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court and to be handed over to the informant after checking the credential.

The learned APP on the other hand opposes the prayer stating that they are also part and parcel of the assault on informant.

Taking into account the aforesaid fact fact the specific allegation is against Binod Sahni and Ram Pukar Sahni of giving order followed by assault causing injury to the informant, omnibus allegation is against the petitioners, they would be cooperating in the investigation and will diligently appear in the trial, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 1000/- each as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from



the receipt of this order, on furnishing bail bond of Rs. 10,000/-
(Ten thousand) each with two sureties of like amount each to the
satisfaction of learned Judicial Magistrate-1st Class, Sheohar,
in connection with Tariyani Chhapra P.S. Case No. 28 of 2022
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C. with further condition that the petitioners shall be
visiting the concerned police station for next six months every
fortnight.

(Rajiv Roy, J)

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