

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60213 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- KUDHNI District- Muzaffarpur

1. SURENDRA SAHANI Son of Satahu Sahni Village- Kharauna Ps- Kudhani Dist- Muzaffarpur
2. Raj Kishore Sahni son of Ram Kishan Sahni Village- Kharauna Ps- Kudhani Dist- Muzaffarpur
3. Janardhan Sahni son of Ram Kishan Sahni Village- Kharauna Ps- Kudhani Dist- Muzaffarpur
4. Arun Sahni @ Arun Sahani son of Narayan Sahni Village- Kharauna Ps- Kudhani Dist- Muzaffarpur
5. Musafir Sahni son of Narayan Sahni Village- Kharauna Ps- Kudhani Dist- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Kudhani (Turki O.P.) P.S. Case No. 156 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 504, 506 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, on 07.04.2023 at about 9.30 pm a feast was organised by the informant, when all



the accused persons including the petitioners variously armed reached there and petitioner no.1 assaulted by an iron rod on the informant's head due to which he sustained injury and when other persons came to his rescue, they all were assaulted by the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the occurrence took place on the occasion of feast organised by the informant. There is a case and counter case between the parties. Both sides have assaulted each other in which persons from both sides have suffered injuries.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it appears that the petitioners and the informant are resident of the same village and the alleged occurrence took place on the occasion of feast in the village, there is a case and counter case between the parties and the case lodged by wife of petitioner no.4 is Annexure 'P/4' to the present application, both sides seem to have indulged in causing assault to each other and claimed to have suffered injuries, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs



that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Kudhani (Turki O.P.) P.S. Case No. 156 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Muzaffarpur, West subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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