

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59751 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- PARSA District- Saran

-
1. RAKESH KUMAR SAHANI SON OF SHRI UMESH SAHANI
RESIDNET OF VILLAGE- LATRAHIYA, PS- PARSA, DISTT- SARAN
 2. BIRJU SAHANI @ VIRJU SAHANI SON OF SHRI UMESH SAHANI
RESIDNET OF VILLAGE- LATRAHIYA, PS- PARSA, DISTT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-10-2023 Heard the parties.

2. The petitioners are apprehending arrest in connection with Parsa P.S. Case No. 290 of 2022 instituted under under Sections 341, 323, 324, 325, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code lodged on 14.11.2022 by the informant, Sunita Devi.

3. As per the prosecution story, the accused-informant are agnates and the accused were trying to obstruct the informant from constructing house in his land. A Panchayati was also held whereafter infuriated, assault took place. Specific allegation is against Ailesh Kumar that he assaulted by knife on the head of the lady, Sunita Devi on the order of Kailash



Sahani injuring her.

4. Further, omnibus allegation against others is of assaulting her family members. Accordingly, the FIR.

5. The case of the petitioners is that omnibus allegation has been made and all the family members have been roped in. Specif allegation is against Ailesh Kumar of assault and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10000/- each through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

6. Learned APP opposes the prayer stating that though omnibus allegation of assault against these petitioners also.

7. Taking into account the submissions put forward by the parties as also that specific allegation is against Ailesh Kumar, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. 10,000/- each by them as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over



to the informant after checking credentials.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Parsa P.S. Case No. 290 of 2022 to the satisfaction of learned IVth Additional Chief Judicial Magistrate, Saran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

