

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62281 of 2022**

Arising Out of PS. Case No.-134 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Suresh Sahni Son of Late Dewal Sahni @ Late Devnarayan Sahni R/V-
Hakimabad, P.S- Muffassil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Samastipur (Muffasil) P.S. Case No. 134 of 2022 lodged under
Sections 147, 148, 447, 307, 323, 324, 341, 504 / 149 of the
I.P.C.

As per the prosecution case, the criminal case has
been lodged against 7 accused persons alleging therein that the
informant has narrated the fardbeyan before emergency ward
I.G.I.M.S., Patna on 09.03.2022 intimating therein that the
occurrence took place on 07.03.2022 for which fardbeyan was

handed over on 08.03.2022 in the morning of 6:15 thereafter, the petitioner party had again attacked on the informant party and assaulted injured Anand Lal Rai(informant) by Suresh Sahni with the help of sword by which the informant suffered head injury.

Learned counsel for the petitioner submits that Annexure-5 is the injury report in which there are 2 case, first is weapon used said to be the hard and blunt substance and second is the nature of injury which is grievous. Counsel for the petitioner submits that the mode of allegation in the F.I.R. does not match with the weapon used as the injury of sword shall provide a sharp cutting injury but here the injury is by hard and blunt substance and lacerated in nature.

Counsel for the petitioner further submits that for the occurrence of 07.03.2022, Case no. 111 of 2022 has been lodged but for the event of 08.03.2022, there are case and counter-case bearing Case Nos. 113 of 2022 and 134 of 2022 lodged. Counsel submits that in these cases for the event of 07.03.2022, injury has been caused from both the sides. Counsel also submits that for the Case No. 111 of 2022, bail has been granted to the petitioner vide Annexure-3.

Counsel further submits that both the petitioner and

informant side belong to same village and basically adjacent neighbour. The said dispute has arisen on very petty issue, demanding of bicycle and mobile.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate -II, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 134 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of

furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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