

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1947 of 2023

Arising Out of PS. Case No.-278 Year-2021 Thana- SIKARPUR District- West Champaran

1. BIRENDRA SAHANI Son of Late Maneger Sahni R/v- Nandpur Ward No. 04, P.S.- Shikarpur, District- West Champaran
2. RAKESH SAHNI Son of Birendra Sahni R/v- Nandpur Ward No. 04, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 279, 337, 341, 323, 307, 354(B), 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that her grandson was hit by a speeding motorcycle on which she protested, when it is alleged that seven named accused persons including the petitioner came with malafide intent and petitioner No. 2 assaulted her husband with an iron rod causing injury on head and petitioner No. 1 pulled



informant's blouse making her semi-nude. The learned counsel submits that petitioners have been falsely implicated in the present case. It is next submitted that no doubt allegation is of assaulting the informant's husband by the petitioner No. 2 on head which is a vital part of the body but then the blow was not repeated and the injury is simple in nature. It is further submitted that as far as allegation against petitioner No. 1 is concerned the same is an exaggerated version. It is submitted at the cost of repetition that petitioners are persons with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shikarpur P.S. Case No. 278 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



However, the learned trial court before accepting the bail bond of the petitioners shall verify from the injury report that as to whether injury suffered by the informant’s husband is simple or grievous and in the event, if it is found that the injury is grievous then the present anticipatory bail order shall not be given effect even against petitioner No. 2 or petitioner No. 1 also.

(Satyavrat Verma, J)

Adnan/-

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