

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7338 of 2024

Arising Out of PS. Case No.-376 Year-2020 Thana- KESARIA District- East Champaran

1. Ajay Mahto S/O Late Jaduvir Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.
2. Sadhu Sahani @ Virendra Sahani S/O Jirjodhar Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.
3. Harendra Sahani S/O Jirjodhar Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.
4. Bhola Sahani @ Ashok Sahani S/O Balindra Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.
5. Munna Sahani @ Majhil Sahani S/O Balindra Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.
6. Tunna Kumar @ Tunna Sahani S/O Balindra Sahani @ Balendra Sahani R/O Village- Dhekhan Ward No. 9, P.S- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 376 of 2020, registered on 20.09.2020 for the offences under Sections 147, 148, 149, 341, 342, 323, 324, 302, 504, 506 of the Indian Penal Code.



3. As per prosecution case, the petitioners and other co-accused persons, who were armed with spear and sword etc., assaulted the father of the informant while catching hold of the informant. The father of the informant received serious injury and he succumbed to the injuries while undergoing treatment. The occurrence took place in the background of opposition of the father of the informant to sell liquor by the petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. General and vague allegations have been levelled against the petitioners apart from other co-accused persons. No occurrence as alleged has ever taken place and police after investigation submitted final form and did not send up the petitioners and a number of co-accused persons for facing trial finding the case not true against them and only co-accused Ranjeet Kumar has been charge sheeted under Section 304A of the Indian Penal Code. But the learned Chief Judicial Magistrate took cognizance against the petitioners and other co-accused persons as well. Learned counsel further submits that from the FIR it is apparent that there is no specific allegation of assault against the petitioners. The allegations are for assaulting the



deceased with lathi and danda but the injury report shows three injuries caused by hard blunt substance whereas two injuries are caused by sharp cutting weapon and it is not believable that total 17 persons assaulted the deceased. The petitioners have got no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the police report and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned court in connection with Kesariya P.S. Case No. 376 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners will remain present
on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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