

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20102 of 2024

Arising Out of PS. Case No.-578 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

-
1. Sanjay Sahani S/O Braham Dev Sahani
 2. Bindu Sahani S/O Harendra Sahani
 3. Hari Kishore Sahani S/O Jagadish Sahani
- All are resident of Village- Madhubanighat, P.S- Muffasil, Distt.- East
Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-04-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Mufassil P.S.Case No.578 of 2023, registered for the offences
punishable under Sections 341, 323, 379, 324, 308 and 504/34
of the Indian Penal Code .

3. As per the allegation made in the FIR, the accused
persons including the petitioner no.1 (Sanjay Sahani) assaulted
the informant by means of *Farsa* on her head, causing serious
injury to her and when the son of the informant came to save
her, he was assaulted by the other accused persons, as a result
his hand got fractured and co-accused Binda Devi snatched



Mangalsutra of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners and the informant are neighbours and there is land dispute between them. Only the petitioner no.1 (Sanjay Sahani) had given a *Farsa* blow on the head of the informant and the allegation of assault on the son of the informant is general and omnibus in nature.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the fact that there is direct allegation against the petitioner no.1 (Sanjay Sahani) that he assaulted the informant on her head by means of *Farsa*, causing the informant sustained head injury, which is the vital part of the body, I am not inclined to enlarge the petitioner on bail. However, if the petitioner No.1 (Sanjay Sahani) surrender before the court below within a period of three weeks from the date of this order and seek for regular bail, the district court is directed to pass an order on the same day of filing of the application on the basis of materials collected during the course of investigation and the evidences on record, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and he deems fit and proper.

7. So far as petitioner nos.2 and 3 are concerned,



learned counsel appearing on behalf of the petitioners informed that it is admitted that the petitioner no.1 had assaulted by means of *Farsa* on the head of the informant, which caused head injury to her. It has also been submitted that there is general and omnibus allegation against the petitioner nos.2 and 3.

8. Petitioner no.2 (Bindu Sahani) and 3. (Hari Kishore Sahani) are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of this order, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran at Motihari/concerned court in connection with Mufassil P.S.Case No.578 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

9. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

