

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28764 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. BHARAT SAHNI S/O LATE BABULAL SAHNI R/O VILLAGE-
JITWARPUR, NIZAMAT, P.S- MUFASSIL, DISTT.- SAMASTIPUR.
 2. PARSURAM SAHNI S/O LATE BABULAL SAHNI R/O VILLAGE-
JITWARPUR, NIZAMAT, P.S- MUFASSIL, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-05-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Samastipur (Mufassil) P.S. Case No. 317 of 2023 for the offence under Sections 341, 323, 324, 379, 354(B), 504, 307 and 34 of the I.P.C. lodged on 26.06.2023 by the informant, Raj Kumar Chaudhary.

3. As per the prosecution story, the informant alleged that he saw the accused persons putting in a shed on a Government land which obstructed his movement from house. Further, upon opposition, it is alleged that Nanki Sahni hit on the head of the informant, causing injury and further Bhola Sahni gave iron road blow to the informant's son causing injury on the



leg while Sachin Kumar assaulted Navin Kumar. Further, allegation is of outraging the modesty as also against petitioner No. 2 of taking out Rs. 10,000/- from the informant's pocket. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the same has been exaggerated to implicate these petitioners. The allegation of assault is on different persons, Bharat Sahni and Parshuram Sahni are not amongst the assaulter, only allegation is of taking Rs. 10,000/- which has been incorporated to make the FIR grievous.

5. Learned APP opposes the prayer stating that there is allegation against petitioner No. 2 of taking out the money.

6. Considering the aforesaid facts as also that allegation is against specific persons, the petitioners are not amongst them and they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their arrest or surrender 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 like amount each to the satisfaction of learned ACJM, II, Samastipur in connection with Samastipur (Mufassil) P.S. Case No. 317 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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)

Adnan/-

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