

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35948 of 2024

Arising Out of PS. Case No.-364 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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1. Manjay Sahani @ Manjay Kumar son of Kailash Sahani Village- Bariyariya Ward No-6, Ps- Sangrampur Dist- East Champaran
 2. Ranjay Sahani @ Ranjay Kumar son of Kailash Sahani Village- Bariyariya Ward No-6, Ps- Sangrampur Dist- East Champaran
 3. Mantu Kumar @ Mantu Sahani son of Kailash Sahani Village- Bariyariya Ward No-6, Ps- Sangrampur Dist- East Champaran
 4. Reena Kumari D/o- Kailash Sahani Village- Bariyariya Ward No-6, Ps- Sangrampur Dist- East Champaran
 5. Prema Devi wife of Kailash Sahani Village- Bariyariya Ward No-6, Ps- Sangrampur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Sangrampur P S Case No.364 of 2023 dated 31-10-2023, instituted under Sections 341,323,307,308,354(B), 504 and 379/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 29-10-2023 at about 08 PM, informant was abused and assaulted by her *Bhaisur*, namely, Kailash Sahani by means of *lathi* and then



other co-accused persons, including these petitioners came there and on the order of Kailash Sahani petitioner No.1, namely, Manjay Sahani assaulted the informant over her head by means of iron rod, due to which, she sustained fracture injury and petitioner no.2, namely, Ranjay Kumar also inflicted knife blow to the informant, on account of which, she sustained cut injury on her right hand. It is further alleged that co-accused Kailash Sahani outraged the modesty of informant and her golden '*Mangalsutra*' worth of Rs. 35,000/- was snatched by petitioner no.5. The reason for the present case is civil dispute with regard to the share of the house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Informant is aunt of petitioner Nos.1 to 4 and *Gotni* of petitioner no.5. The allegation against the petitioners is that all the accused persons committing assault to the informant by means of *lathi*, *Danda*, Knife and Iron Rod and there is specific allegation against the petitioner no.1, namely, Manjay Sahani of assaulting the informant with iron rod over her head and there is specific allegation against the petitioner no.2, namely, Ranjay Sahani of inflicting knife blow to the informant, as a result of which, she sustained cut injury on her right hand, but no such



injury is mentioned in the impugned order. The learned 2nd Additional District and Sessions Judge, Motihari, East Champaran, while rejecting the anticipatory bail application of the petitioners, vide order dated 02-04-2024, has clearly stated that in spite of sufficient opportunity granted to the prosecution for production of injury report, but he could not produce the same. It is also submitted that the matter has already been settled outside the Court and, in this regard, a compromise petition has also been filed on 07-12-2023 before the learned Court below, copy of which is annexed as Annexure -P/2. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM East Champaran, Motihari, in Sangrampur P. S. Case No. 364 of 2023, GR No. 6750 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal



Procedure,1973.

7. The application stands allowed.

(Khatim Reza, J)

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