

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45930 of 2024

Arising Out of PS. Case No.-388 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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DEVENDRA SAHANI SON OF SHATRUDHANSAHANI VILLAGE-
BARIYARIYA, P.S.- SANGRAMPUR, DISTT.- EAST CHAMPARAN,
MOTIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhiraj Kumar, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard Mr. Dhiraj Kumar, learned Counsel for the

petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Sangrampur P.S. Case No. 388 of 2022 for the offence
registered under sections 341, 323, 354(b) and 307 of the Indian
Penal Code lodged on 22.11.2022 by the informant, Gajendra
Sahani.

3. As per the prosecution story, the informant alleged
that the accused persons came armed variously and upon
objection raised by the informant, this petitioner gives farsa
blow on the head, causing injury. When the wife came to his



rescue, accused Amarjeet Sahani, Raja Sahai assaulted and outrage her modesty and the further allegation is of taking away the gold ornaments as also cash. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that though there has been allegation against this petitioner of assaulting the informant on his head, a perusal of the learned Sessions Judge order would show that despite providing sufficient time to the Public Prosecutor to produce the case diary and injury report, the same was not provided. Still, the anticipatory bail application rejected.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that absence of case diary, injury report does not mean that the allegation is untrue.

6. In view of the aforesaid submissions as also the fact that despite repeated adjournments, a case diary and injury report were not produced before the Sessions Court and further that this petitioner do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. If however, the injury has been found to be grievous in nature, the order shall become infructuous and in that background, the petitioner will have to seek bail.



8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Motihari in connection with Sangrampur P.S. Case No. 388 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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