

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56084 of 2024

Arising Out of PS. Case No.-615 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

1. Ganesh Sahni Son of Late Laxmi Sahni Resident of Mohalla - Sher Mohammad Bhigo, P.S.- Laheriasarai, District - Darbhanga.
2. Dinesh Sahni Son of Ganesh Sahni Resident of Mohalla - Sher Mohammad Bhigo, P.S.- Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2024 Heard Mr. Iqbal Asif Niazi, learned counsel for the
petitioners and Mr. Bharat Bhushan, learned APP.

2. The petitioners are apprehending their arrest in connection with Laheriasarai P.S. Case No. 615 of 2023 for the offence under sections 504, 448, 341, 323, 354(B), 427, 325, 379, 506/34 of the I.P.C. lodged on 31.12.2023 by the informant, Sangita Devi.

3. As per the prosecution story, the informant alleged that the accused, Suresh Sahni came in drunken condition and started abusing. Upon protest, all the accused persons armed variously came and petitioner no.2, Dinesh Sahni caught hold of the informant's hair and dragged her out of the house. Further,



petitioner no.1, Ganesh Sahni and Suresh Sahni outraged her modesty along with the lady accused persons. Allegation against Ganesh Sahni is also of assaulting her husband, Naresh Sahni with iron rod causing injury while Suresh Sahni assaulted Sonu Kumar, her son with 'Khanti' causing fracture in his right leg. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though the allegation is there against petitioner no.1, the same has been found to be simple in nature. So far as the petitioner no.2 is concerned, the allegation is of dragging her out by pulling her hair. Both the petitioners do not have criminal antecedent, petitioner no.1 is an aged person and further as both the sides are related, the petitioner no.1 without accepting the allegation and/or the outcome of the present petition, the petitioner no1 on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that allegation of assault is against both the petitioners.

6. Taking into account the aforesaid submissions and



also the fact that so far the petitioner no.2 is concerned, there is allegation of dragging her by pulling her hair, though petitioner no.1 has assaulted the lady, the injury has been found to be simple in nature, both the petitioners have got no criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to the condition that the petitioner no.1 has to pay Rs. 10,000/- through Demand Draft issued by the local State Bank of India to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant.

7. Let the petitioners, named above, be released on bail in the event of 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 Chief Judicial Magistrate, Darbhanga in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her 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 his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark their 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)

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