

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56948 of 2024

Arising Out of PS. Case No.-548 Year-2023 Thana- KESARIA District- East Champaran

1. Surendra Sahani, S/o Late Lal Bahadur Sahani, R/o Village- Sagar Churaman, P.S- Kesariya, Distt.- East Champaran.
2. Yadav Lal Sahani, S/o Late Gajadhar Sahani, R/o Village- Bettiah Basant, P.S- Kesariya, Distt.- East Champaran.
3. Ram Pukar Sahani, S/o Yadav Lal Sahani, R/o Village- Bettiah Basant, P.S- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kesariya P.S. Case No. 548 of 2023 instituted under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with other accused persons came at the house of the informant and assaulted him, his son and niece. The allegation against the petitioners is that petitioner no. 1 inflicted iron pipe on the head of the informant, petitioner no. 2 inflicted iron rod on the son of



the informant and petitioner no. 3 snatched the *mangalsutra* of the niece of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Both the parties are agnates and due to land dispute regarding pathway, some altercation took place. However, it appears from the impugned order that there is no injury report on the record to substantiate the allegation of assault. He further submits that the FIR has been lodged after 11 days without explaining the proper explanation of the cause of delay which creates doubt in the prosecution case. Learned counsel further submits that no case is made out under Section 307 of the Indian Penal Code and Section 379 and 354 of the Indian Penal Code are super-addition. He further submits that petitioners have no criminal antecedent and they undertake to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering 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/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari / Concerned Trial Court in connection with Kesariya P.S. Case No. 548 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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