

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69333 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- BAJPATTI District- Sitamarhi

Uday Sahni S/o Late Shankar Sahni R/o village - Mahuain , P. S - Bajpatti,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Adv.
For the State : Mr.Anil Prasad Singh, APP
For the Informant : Mr. Santosh Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned
APP for the State as also counsel for the Informant. Perused the
case diary.

2. The petitioner seeks bail in connection with Bajpatti
P.S. Case No. 154 of 2024 instituted for the offences under
Sections 147, 149, 341, 323, 324, 325, 307, 354(B), 504 and
506 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of inflicting *Farsa* blow to the Informant on his
head and when he tried to escape himself, his half ear was cut. It
is also alleged that when the Informant's daughter namely
Radhika Kumari came in his rescue, co-accused Rakesh Sahni
inflicted iron *Khanti* blow to her, causing fracture of her waist



and also inflicted iron *khanti* blow on her head, causing cut injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that both the parties are next door neighbour and a Partition Suit No. 57 of 2024 is already going on between them due to which the present false case has been instituted by the Informant against the petitioner. He further submits that the date of occurrence is 30.05.2024 but, the F.I.R. was lodged on 04.06.2024 i.e. after a lapse of five days without there being any plausible explanation for such an inordinate delay in filing the F.I.R. He further submits that from the injury report, it appears that the injury caused to the Informant is simple in nature and, thus, not corroborating the allegation made against the petitioner in the F.I.R. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation against the petitioner of inflicting *Farsa* blow upon the



Informant causing cut of half portion of his ear. The injury caused to injured Radhika Kumari is grievous in nature. The petitioner is named in the F.I.R. and the offence alleged against him is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the injury report showing injury caused to the Informant to be simple in nature as well as the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bajpatti P.S. Case No. 154 of 2024.

(Rudra Prakash Mishra, J)

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