

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70427 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- HUSSAINGANJ District- Siwan

Pannalal Sahani @ Pannalal Sahni, Son of Late Harilal Sahani, Resident of
Village- Sareya, P.S.- Hussainganj, Distt.- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard Mr. Prashant Kumar, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Hussainganj P.S. Case No. 234 of 2024
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 326, 504 of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleged that while the informant was coming after closing his
flour mill, on the way he found that on account of parking of a
motorcycle, in the mid of the road, an obstruction has caused in
free flow of the traffic and when the informant enquired about
the owner of the motorcycle, in the meantime, all the F.I.R.
named accused persons came there and started abusing and
assaulting. It is specifically alleged that all the F.I.R. named
accused persons by means of *Fasuli* assaulted the informant and



his persons, who came to his rescue.

4. Learned Advocate for the petitioner referring to the F.I.R. contended that though the allegation of causing assault by means of *Fasuli* has been levelled against five of the accused persons, but so far the petitioner is concerned, there is no specific allegation of any assault against him. Even if the narrations made in the F.I.R. is taken to be true, the only allegation against the petitioner is of exhortation. The petitioner can hardly be said to be a member of the mob and in fact on account of he being a villager, his name has been implicated in this case, but none of the injuries has been attributed against the petitioner. It is next contended that the petitioner is having fair antecedent and he has been incarcerated since 25.06.2024. The investigation of the crime is complete and charge-sheet has been submitted. The petitioner undertakes that he will fully cooperate in the proceeding of the court and would not indulge in tampering with the evidence.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime and it is he, who exhorted the other accused persons to assault the persons of the informant.



6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of custody, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Hussainganj P.S. Case No. 234 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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