

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77613 of 2023

Arising Out of PS. Case No.-256 Year-2022 Thana- KALYANPUR District- Samastipur

Satto Sahni, S/O Ram Bahadur Sahni, R/O Village- Simariya Bhindi,
Kalyanpur, P.S.- Samastipur, Bihar- 848101

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 256 of 2022, registered for the offences under Sections 341, 323, 325, 354, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons came to the doors of the informant and co-accused gave a knife blow on the head of the informant and thereafter this petitioner hit him on the head with an iron rod causing fracture of the head. Other family members of the informant were also assaulted.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner and the informant are neighbours and there is land dispute between them. Petitioner was not present at the place of occurrence and due to previous land dispute he has been made accused in this case. All the witnesses are interested witnesses. Though the injury is stated to be grievous on the informant, the same is not life threatening and there is no allegation of attempt to murder against the petitioner and other co-accused persons. Allegation of outraging the modesty is only super-addition. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the petitioner is that he gave a blow of iron rod on the head of the informant and injury is stated to be grievous.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of repetitive blow and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur/court concerned in connection with Kalyanpur P.S. Case No. 256 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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